

FAIRBURN'S EDITION

OF THE

TRIAL

OF

H. FAUNTLEROY,
ESQ. BANKER,

(Late Partner in the Firm of Marsh, Stracey, Fauntleroy, and
Graham, of Berner's Street, London.)

FOR

FORGERY,

INCLUDING

The EVIDENCE, SPEECHES of COUNSEL,
Prisoner's Defence,

AND THE

JUDGE'S CHARGE TO THE JURY,

At full length.

*Tried at the Old Bailey, before Mr. Justice Park and
Mr. Baron Garrow, October 30th, 1824.*

TO WHICH IS ADDED

AN APPENDIX,

CONTAINING IMPORTANT PARTICULARS CONCERNING THIS MOST

Extraordinary Case.

*Illustrated with a correct Likeness of the Prisoner, as he appeared at the Bar of the
Court reading his Defence, and a Fac-simile of his Hand-Writing.*

LONDON:

PRINTED AND PUBLISHED BY JOHN FAIRBURN,

BROADWAY, LUDGATE HILL.

[Price One Shilling.]

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OF

H. FAUNTLEBOY

ESQ. BAKER

(Late Partner in the Firm of Messrs. Fairbairn & Co. of Glasgow, Scotland)

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TOGETHER

WITH

A FULL AND COMPLETE HISTORY OF THE CASE

AS IT RELATES TO THE

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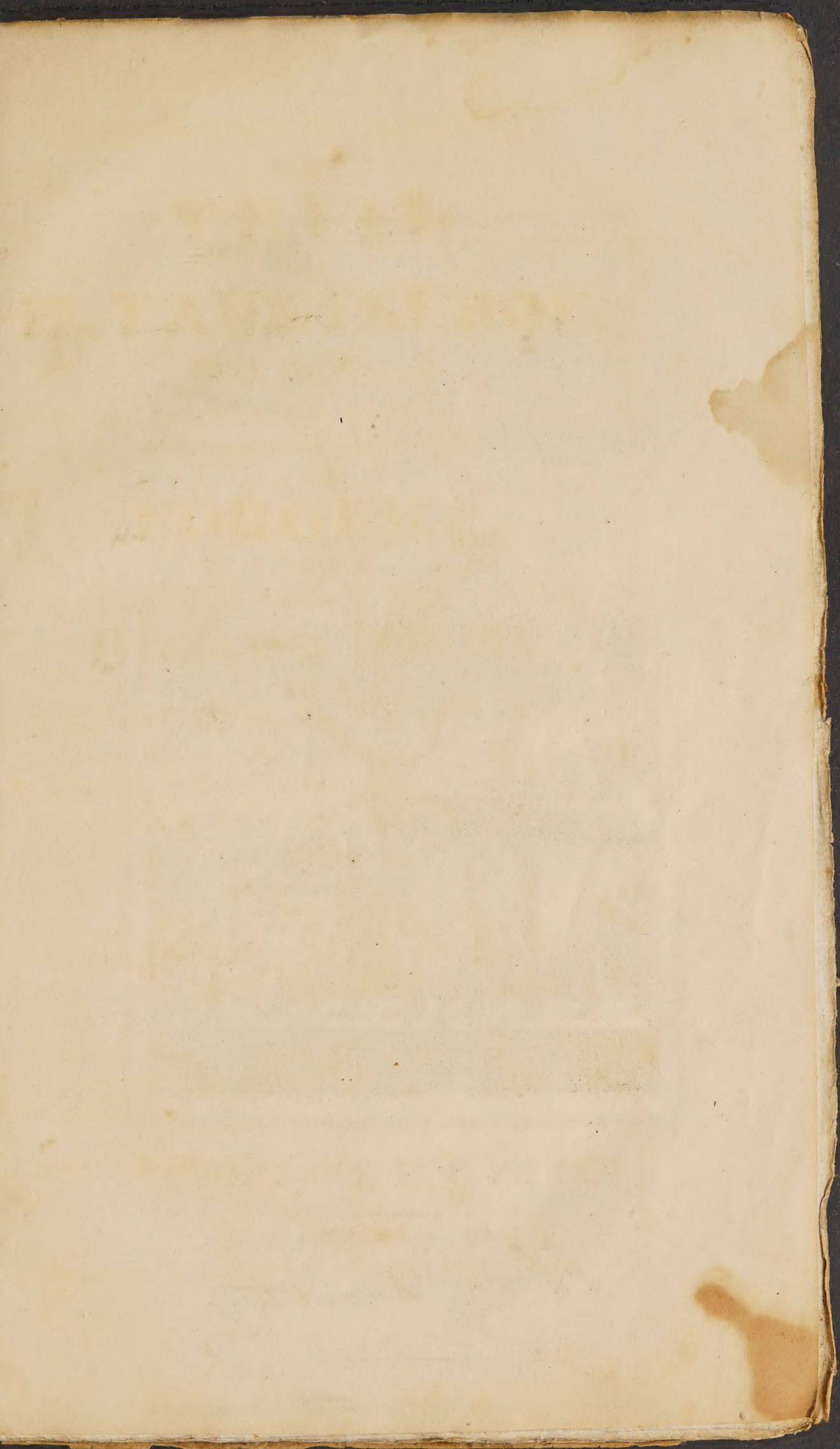
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[Printed by J. G. & Co. Glasgow]





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HENRY FAUNTLEROY.

Facsimile of his Hand Writing.

Henry Fauntleroy

Published Nov. 2. 1824, by John Fairburn, Broadway, Ludgate Hill.

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THE TRIAL,

&c. &c.

THE Grand Jury of the City of London having found true bills against Mr. Fauntleroy on the several charges of forgery preferred against him, his trial was appointed to take place on Saturday, the 30th of October, 1824. The interest created by this gentleman's case from his first apprehension, and the magnitude of the offences imputed to him, naturally led to the anticipation that public curiosity would be greatly excited during his trial, and that the desire to be present during the proceedings would induce an extraordinary effort to be made to obtain places in the Court. To obviate any inconvenience which might result from this feeling, the Sheriffs (Mr. Alderman Brown and Mr. Alderman Key) felt it their duty to take such steps as would prevent the introduction of more persons than the space allotted to auditors would conveniently hold; and with this view they directed that no persons should be admitted to the body of the court who were not provided with tickets signed by themselves. The students at law claimed the exclusive privilege of accommodation in the box entitled "the Students' Box," which is usually occupied by gentlemen of the press, many of whom are not students; and to obviate any inconvenience resulting from the circumstance, the sheriffs appointed another place for the reception of the reporters, who were provided with the necessary certificate of admission. The place chosen was near the Jury-box, and a temporary desk and seats were prepared for their use. The tickets issued to the immediate friends of the sheriffs were necessarily limited; and many persons of rank, although extremely anxious to gain admission, were disappointed.

The galleries of the court, being private property, and under the control of particular officers of the Corporation, they of course did not come within the arrangements of the sheriffs, and formed sources of profitable speculation to others. The sum generally required for admission to these places was a sovereign for each person. It was announced that the doors of the court would be opened at eight o'clock, and individuals furnished with tickets were desired to be in attendance at that time. Long previous to the arrival of the hour fixed the throng began to assemble, but the number collected did not exceed thirty or forty, and many of them were jurymen; so that the expectation of an oppressive crowd proved in some measure unfounded. The precautions taken were, nevertheless, of the utmost importance, as even during the ordinary business of the court it requires some pains to prevent interruption from the desire of per-

sons to hear the trials. Soon after eight o'clock the Students' Box and the place set apart for the reporters were completely filled, and as the morning advanced, other persons, provided with tickets, continued to arrive. The state of the galleries, however, proved that the public in general were not disposed to gratify their curiosity at any very heavy charge, for on looking round at this time we did not observe more than twenty individuals collected, nor did the avenues of the court present any thing unusual in their appearance. Among others who gained admission by tickets to different parts of the court, we noticed the Earl of Montford, Lord Nugent, Mr. Irvine, M.P. and the Governor and Sub-Governor of the Bank of England. There were several aldermen in attendance at an early hour, including Sir James Perring, Sir James Shaw, Mr. Alderman Wood, Mr. Alderman C. Smith, &c.

At an early hour in the morning Messrs. Forbes, Mayhew, and Harmer waited upon Mr. Fauntleroy, whom they found taking his breakfast. He appeared very composed, and produced a fair copy of his defence, written by him during the night, and into which he had introduced some very judicious alterations and remarks. He read it over with great spirit and feeling, and as he went on he observed, that he felt relieved and exhilarated by the hope of removing some part of the opprobrium which had been unfeelingly and unsparingly cast upon his character. He presently after dressed himself in a neat suit of mourning, and awaited with calmness to be summoned to the court.

Soon after eight o'clock the celebrated Ex-Sheriff (Parkins) appeared at the counsels' table. The officers of the court attempted to remove him thence, but he claimed his right as ex-sheriff to appear there, which the city authorities acknowledged. Parkins then crossed by the witness-box to the open space in front of the Dock, and stationed himself immediately facing the place where the prisoner would stand. Alderman Brown then proceeded to the ex-sheriff, and asked him whether he had ever had any connexion with Mr. Fauntleroy. Parkins replied, only as a banker. Alderman Brown observed, that the station which he had taken was a very prominent one—perhaps painfully so; and said that his remaining there might unnecessarily produce pain to the prisoner, who was about to be placed on his defence, and therefore ought not to be subjected to any interruptions which might be avoided, and suggested the propriety of his withdrawing to some station where he might not so immediately face the prisoner, whereupon Mr. Parkins, though evidently with reluctance, withdrew to the back of the court.

At nine o'clock, Mr. Serjeant Arabin took his seat on the Bench, and the Court was opened in the usual form, when several prisoners, charged with minor offences, were put to the Bar to plead.

In the course of the morning, Plank, the Officer of Marlborough-street, entered the Court with a large pile of account books connected with the proceedings in the trial of Mr. Fauntleroy.

The Counsel for the Prosecution were,
 Mr. Attorney-General, | Mr. Bolland, and
 Mr. Serjeant Bosanquet, | Mr. Law.

The Counsel for the Defence,

Mr. Gurney,
Mr. Broderick,Mr. Alley, and
Mr. Charles Phillips.

With the exception of the Leading Counsel, they took their seats at the table soon after nine o'clock.

At ten o'clock, Mr. Justice Park and Mr. Baron Garrow took their seats on the Bench, accompanied by the Lord Mayor. The Attorney-General entered the Court at the same time, and took his seat at the table, next Mr. Freshfield, the Bank Solicitor. Proclamation of silence was then made. At five minutes past ten o'clock Mr. Henry Fauntleroy was conducted to the bar, between the two City Marshals, the head turnkey of Newgate, and accompanied by Mr. Harmer, his Solicitor. The firmness which he displayed in the morning seemed for the moment to have deserted him, when he was exposed at the bar to the gaze of the Court. His step was tremulous; his face pale, and much thinner than when he was first examined at Marlborough-street; his hair had rather a light hue. He never for one moment raised his head, but placing his hands upon the front of the Dock, stood [with dejected mien while the preliminary forms of the trial were arranging.

Mr. Clark, the Deputy Clerk of Arraignment, addressed the prisoner as follows:—Henry Fauntleroy, these good men, whose names you will hear called, and who do appear, are to pass between our sovereign Lord the King and you, on the Trial of your life or death. If you wish to challenge them, or either of them, you will do so as they come to be sworn, and before they are sworn, and you shall be heard.

The following London Jury were then impannelled, without challenge, viz.

John Hely.
John Mowatt.
Thomas Reeve.
Edward Joyce.
John Elliott.
Job Horton.John Procter.
Thomas Driver.
Abraham Agar.
Thomas Clarke.
Thomas Gold.
William Whitchurch.

The Jury being sworn, the Deputy Clerk of the Arraignment stated to them the charge contained in the first indictment, as follows.

“ Henry Fauntleroy—you stand indicted for that you on the 1st of June, in the 55th year of the late King, in the parish of St. Mary-la-Bonne, did feloniously and falsely make and forge, and counterfeit a certain deed, purporting to bear the name of Frances Young, for the transfer of £ 5450. long annuities of her monies in the stocks, established by the act of the 5th of the late King George the II., with intent to defraud the said Frances Young of the said stock.

A second count laid the crime as with intent to defraud the Governor and Company of the Bank of England.

A third count laid the indictment as for causing the said instrument to be forged.

A fourth count, for feloniously uttering and disposing of the said instrument, knowing it to be forged. There were three other counts,

varying the mode of specifying the charge, according to the technical subtleties of pleading. When this abstract of the first indictment was read,

The Deputy Clerk of the Arraignment asked the prisoner—"Henry Fauntleroy, how say you—are you guilty or not guilty of the said felony?"

The Prisoner, in a faint voice, replied, "Not Guilty."

The Deputy Clerk: "How will you be tried?"—The Prisoner, still in the same low tone of voice, and prompted by the Governor of Newgate, answered—"By God and my country."

The prisoner was then successively arraigned on the following six indictments:—The second indictment for that he, on the 3d June, in the 55th year of the late King, in the parish of St. Mary-la-bonne, did falsely forge and counterfeit, and cause to be falsely forged and counterfeited, a certain transfer, purporting to be that of Frances Young, for £5,000. of her annuities, with intent to defraud her. The forgery and fraud were also laid as in the first indictment, as with intent to defraud the Governor and Company of the Bank of England. There were counts also for the wilful uttering and disposing of the same, with a variation of the names alleged to be defrauded.

The third indictment, which was laid in the same technical form as the preceding, was for forging the transfer of the stock held in the name of T. Lister, Esq. of Wexford, in Ireland, and uttering the same.

The fourth indictment was for forging a transfer of £3,000. stock, also uttered in the same name as the foregoing, on the 16th December, in the 60th year of the late King's reign.

The fifth indictment was for forging the transfer of £435. stock, to defraud the Bank and John Griffiths, on the 30th June, in the 4th year of the present King's reign.

The sixth indictment was for on the same date forging and putting away a transfer of £500. stock held in the same name.

The seventh indictment was for forging and uttering on the 2nd November last, a power of attorney to transfer £5,300. annuities, entered in the name of Jacob Tubbs.—To each of these seven indictments the prisoner in the same subdued tone of voice, and without raising his eyes from the bar, pleaded Not Guilty, and put himself for trial "upon God and his country."

The reading the indictments occupied the Court about 25 minutes. At the close of the reading,

Mr. Gurney rose and applied to the Court for permission to have the prisoner accommodated with a chair at the bar.

Mr. Justice Park.—The application is of course made on the ground of the prisoner's indisposition.

Mr. Gurney.—Certainly, my Lord.

Mr. Justice Park.—O, then, let him have a chair.

A chair was immediately handed to the prisoner, who sat upon it at the right-hand corner of the Dock, leaning his head upon his hand, and covering part of his face with a white handkerchief, his whole demeanour being at this time that of a person labouring under deep despondency.

The prisoner pleaded "Not Guilty" to all the Indictments.

Mr. Law, as junior Counsel for the prosecution, opened the pleadings.

Mr. Attorney-General then rose and stated the case for the prosecution as follows:—May it please you, my Lord and Gentlemen of the Jury,—You have heard during the reading of this indictment that the prisoner at the bar stands charged with fraudulently forging and uttering a certain Power of Attorney for the transfer of certain Stock, entered in the Bank of England in the name of Miss Frances Young. It is my duty, on the part of the prosecution, to state to you the circumstances out of which, according to my instructions, the present prosecution has sprung; and afterwards to lay before you the evidence which I have to offer in support of this indictment. In discharging the painful duty which has thus devolved upon me, I am bound to confine myself implicitly and strictly to a statement of facts. This is a criminal charge, and in such a one I am more especially called upon, when the life of a prisoner is involved in the result, and where his counsel are precluded by the rule of the law from replying to any general statement of counsel for the prosecution. I am, I say, in such a case more peculiarly called upon to abstain from any effort calculated to excite your feelings, or from giving any undue colouring to the facts. If, therefore, I were in the slightest degree to aggravate the facts, which, according to my instructions, you will have in the regular course of the trial before you, I should not only not do my duty in the manner in which it ought to be done, but travel beyond that line which is decorous and proper on so painful an occasion. Having made these preliminary observations upon the manner in which, according to my judgment, I am bound to perform my duty, it will scarcely be necessary for me to put you, Gentlemen of the Jury, on your guard against any inferences disadvantageous to the prisoner, which you may have formed from circumstances which reached your knowledge before you assembled in that box. The prisoner at the bar is entitled to your judgment and decision, not on any information, suspicion, or surmise, or impression, which may have affected your minds, by any thing represented to have occurred out of doors before this day; for these, if you have formed any, you must endeavour as much as possible to dismiss from your recollection, the prisoner at the bar being strictly entitled to your judgment and decision; not I repeat upon this previously acquired information respecting his case, but upon the evidence offered before you this day, in the progress of the trial, and on that alone. I must also beg leave to remind you, that you are equally called upon to dismiss from your minds the recent recollections which you must have from the forms of this day's proceedings, that there are other indictments found against the prisoner, upon which he stands committed for trial, and that you are to look upon the present indictment as if it were an insulated one, and exactly as if it were the only one which the prisoner was called upon to answer. I know that these observations may be unnecessary, but still I feel it my duty to give you this precautionary admonition. The prisoner at the bar, Gentlemen, was well known as a partner in the banking-house of Marsh, Sibbald, and Co. of Berner's Street,

which was established about thirty years ago. His father was a partner in the original firm. He had previously been an active clerk in a banking-house in the City; and the partners who established the firm not being equally men of business themselves, gave him a share to avail themselves of his practical information in the management of their affairs. The elder Mr. Fauntleroy died in the year 1807, and his situation was immediately occupied by his son, the prisoner at the bar, upon whom, also, for his practical knowledge of business, and the comparative superiority which he had in this respect over his co-partners, nearly the whole of the actual business devolved. In the year 1815, Miss Frances Young, of Chichester, became a customer to the firm, and had then entered in her name at the Bank a sum of 5,450*l.* in what were called the 3 per Cent. Consols. She gave the firm of Marsh and Co. a power of attorney to receive the dividends in her name, but gave them no power whatever to sell or otherwise dispose of the principal. In May, 1815, however, an application was made at the Bank, and represented as having been so made in behalf of this lady, to sell by her Power of Attorney 5000*l.* of this stock. You are probably aware of the forms prescribed by the Bank of England in transacting the business of these transfers. The applicant goes to the Bank, and obtains a slip of paper, which he fills up with the name of the party in whose behalf he applies, he describes the stock in the Bank, the amount and particulars required to be transferred, and the name and address of the person to whom the transfer is to be made. Upon receiving these instructions in the form inserted upon the slip of paper, the Bank clerk, to whom it was delivered, hands over a power of attorney, which is to be transmitted to the person who is to make the transfer, for the purpose of receiving the requisite signature.

It is customary at the Bank to preserve these slips of paper, but in this instance the particular slip has been lost, and it cannot therefore be said to whom it was delivered, it being usual to endorse the name of the party on the slip. But the power of attorney, which was prepared according to the slip so made is referred, with the necessary attestations of the witnesses. There must be to these powers of attorney two attesting witnesses, with the description of their respective names and addresses. This power of attorney purported to be signed by Frances Young, and that signature would be proved to be a forgery. The attesting witnesses were John Watson and James Tyson, clerks in the bank of Marsh and Co. and their signatures were also forgeries—for they never transacted any business with Miss Frances Young, and never executed any transfer of stock for her. In all these documents it is required by the Bank, that the date shall be set forth in words at length. This is so done in this forged transfer, and it will be proved to be in the hand-writing of the prisoner at the bar, in all its parts. It must be quite clear, therefore, that the forgery has been committed either by the prisoner, or with his knowledge. The attesting witnesses are his clerks, men whose hand-writing must have been known to him, and a forgery of which he must at once have detected, if brought to him by a third party. The practice at the Bank of England was, that, when these transfers, after being duly filled, were executed, they

must be deposited for twenty-four hours with the clerk, for the purpose of being compared with the books, and for such other inspection and precaution as were deemed necessary on these occasions for the security of property, so far as time and circumstances allowed. After all these preliminary steps, the applicant was further called upon before the instrument was completed to write at the bottom these words: "I demand this power to be executed in my name," signed by the party. On the 31st of May, or the 1st of June, the prisoner at the bar attended in person at the Bank, and demanded in due form the execution of the said power of attorney. So that here you will have before you a power of attorney prepared in the prisoner's hand-writing, purporting to be executed by Frances Young, purporting to be attested by two of his clerks, with whose hand-writing, I repeat, he must have been necessarily acquainted; and he himself presenting the instrument, and demanding that it be executed in the usual manner. But sufficient as this would be to prove the case, it is not all, for I am about to state to you, that we have besides a document, of a character so extraordinary, so singularly complete in all its parts, as to leave no possible doubt that the prisoner at the bar was the party who had committed the offence. When the prisoner was taken into custody in his own counting-house, he, in the presence of the officer, locked his private desk, with a key which was then attached to his watch—that key was afterwards taken from him by the officer; and when the respectable Solicitor for the Bank, who conducts this prosecution, went to search the house in Berner's-street for the prisoner's papers, to ascertain whatever particulars he could therein find respecting these transactions, he found in one of the rooms of Messrs. Marsh's bank, in which tin cases, containing title deeds of their customers, were deposited, and on which the names of the owners were inscribed, one tin box without a name. This led him to examine it. The key was found in the prisoner's private desk, which he had himself locked in the presence of the officer, and on opening this box was found a number of private papers belonging to the prisoner, and among them the extraordinary document of which I have apprised you, and which ran thus, all in the hand-writing of the prisoner:—

£		
Frances Young,	5,000	Three per Cent. Consols.
E. W. Young,	6,000	Ditto
General Young,	5,000	Ditto
J. Kerry,	6,000	Ditto
Ditto	5,841	Ditto
M. De la Place,	11,151	Ditto
Ditto	4,000	Ditto
Lady Nelson,	11,595	Ditto
Mrs. Pelham,	20,000	Four per Cent. Consols.
Earl of Upper Ossory,	7,000	Ditto
J. Bower	9,500	Three per Cent. Consols.
Lord Aboyne,	61,550	Four per Cent. Consols.
Eleanor Fauntleroy	3,050	Five per Cent. Consols.
W. Reuder, &c.	7,000	Three per Cent. Consols.
P. Moore and John Marsh,	21,500	Ditto
J. W. Parkins,	4,000	Ditto

This paper contained a total of sums considerably exceeding one hundred thousand pounds, was all written in the prisoner's hand-writing; and these words, in the same hand, followed, and concluded the fact of the prisoner's guilt.—“In order to keep up the credit of our house, I have forged powers of attorney, and have thereupon sold out all these sums, without the knowledge of any of my partners. I have given credit in the accounts for the interest when it became due.” May 7th, 1816. Signed Henry Fauntleroy. These words followed: “The Bank began first to refuse our acceptances, and thereby to destroy the credit of our house, they shall therefore smart for it.”

This is the extraordinary document to which I allude; and was there ever a record of a fraud more intelligible, and yet more negligently kept? There is no doubt, I think, that when the prisoner at the bar drew up this singular and conclusive document, that he contemplated some intention for which it was applicable, perhaps to abscond, and protect his partners from any suspicion of participation in his acts. Be the intention, however, what it may, if to abscond it was clear the prisoner had subsequently altered his intention, and at all events, nothing but unaccountable negligence could have prevented him from afterwards destroying a document of such a nature, and so fatal to his character. The Bank of England, in consequence of this information, proceeded to examine the private accounts, kept by the prisoner with his firm, and they there found that the accounts of the parties whose monies were fraudulently transferred were regularly kept up, and the interests upon the dividends as regularly carried to them, every half-year, as if the original stock remained in being. In the particular case before you, the Broker (Mr. Spurling), employed by the prisoner at the bar, sold out the stock in question to the amount of £2,950. 2s. 6d. that is, exclusive of the commission for the sale, which, according to practice, the Broker divided with the firm. This amount was paid over by the Broker to the banking-house of Messrs. Marten and Co., who transacted business for Messrs. Marsh and Co. in the city, and is regularly noted in the day-book of the latter, by a clerk, by whom the entry was made, at the dictation of the prisoner. But, in further management of the accounts, in passing from the day-book to the private ledger, this sum appeared to have been carried to Mr. Fauntleroy's private account. The general produce was, however, afterwards posted, so as to keep up the accounts according to the original amount, entrusted to the Bank by the respective customers. You will, Gentlemen of the Jury, naturally ask yourselves, as this occurred so far back as the year 1815, how it happened that during the successive years which have intervened the dividends could have been so managed by the prisoner in his accounts, as to escape the detection of his partners? The fact, however, was, that the prisoner had the entire management for the firm of their stock-market business. When the dividends became payable, it was the practice to make out a list, for one of the partners to go to the Bank of England and receive payment. These lists were always prepared by the prisoner himself, and he always continued so to manage the entry in the books as to correspond with the nominal amount of stock intrusted to the firm by their customers. The list was of course

so made out as to make every thing appear entered in the manner the entries would have stood had the stock still existed, and sums were always carried on to the accounts, so as to keep up the delusion. It used to be the custom for Mr. Marsh to go to the Bank and receive the dividends for the firm: he lived in the country, and only came to town to perform this part of the business; he was, therefore, as to all the other parts of the arrangement entirely ignorant, and incapable of detecting the fraud. There is another fact which I think it my duty to explain to you: the note of the broker for the sale of this particular stock, which Mr. Fauntleroy ought, were the transaction a *bona-fide* one, to have transmitted to the owner, was found amongst his other papers in the private tin box, which contained the extraordinary document I have already read to you. These, Gentlemen, are the whole of the facts, which I undertake to establish by evidence before you, against the prisoner at the bar. I shall first prove the forgery, by producing the instrument, and proving, by the parties whose names are said to be affixed to it, that the signatures are not theirs. I shall next prove that the hand-writing in the body of the instrument is that of the prisoner himself. I shall then, by the production of the extraordinary document to which I have alluded, prove that he recorded the act as his, and from the accounts it will be clear that they were so continued by him, with great activity and caution, as to evade the detection of the forgeries, which he alone could have committed. Having stated these facts, I have discharged my duty in behalf of the prosecution, and it would ill become me to pronounce any opinion upon the effect of such facts. That is your province, Gentlemen of the Jury, after you have heard the whole details of the evidence. Having said that I have now discharged my duty, I am persuaded, Gentlemen, you will also discharge yours, painful as it may be, between the prisoner and his country, with an equal and impartial hand.

THE EVIDENCE.

J. Tyson sworn, examined by Mr. *Serjeant Bosanquet*.—I have been a clerk 17 years in the banking-house of Marsh, Sibbald, and Co. The prisoner, whose father was a partner at that time, entered the house in the same year, 1807. The firm then consisted of Mr. Marsh, who resided at Watford, Mr. S. J. Sibbald, Mr. Graham, who was a Colonel in the Army, Mr. Stracey, and Mr. Fauntleroy, the father of the prisoner. In 1807, Mr. Fauntleroy, the father of the prisoner, died (the prisoner here sighed deeply). I always considered that Mr. Fauntleroy was the most active partner in the establishment. He transacted most of the business himself. I remember the execution of a warrant of attorney by the prisoner in 1815, for the transfer of stock, which stood in the name of Frances Young, of Chichester, in the Three per Cent. Consols. Miss Young was a customer, and banked at Marsh, Stracey, and Co.'s (a document was put into the hands of the witness). This is a warrant of attorney, dated 21st of May, 1818, for the transfer of stock from the name of Miss Young to that of Mr. Flower, a stock-broker. It purports to be attested by me, and another clerk in Marsh and Co.'s

bank. It is signed "J. Tyson;" and after the signature "J. Tyson," are the words "Clerk to Messrs. Marsh, Sibbald, and Co., bankers, Berner's-street." The hand-writing is not mine, it is that of Mr. Fauntleroy; I have no doubt of it, as I have been accustomed to see him write daily and hourly, for years. There is also the signature "H. Fauntleroy" to the power of attorney. It is in the hand-writing of the prisoner; it is signed "H. Fauntleroy, Banker, Berner's-street," as attorney for Miss Young; the prisoner then lived in Berner's-street; the power of attorney is for the transfer of £5,450. stock. There was no other James Tyson, a clerk, in the bank.

John Watson sworn, examined by the *Attorney General*.—I have been for 25 years a clerk in the banking-house of Marsh and Co., and up to the failure of the house; there is no other John Watson, a clerk, in the house; I see the signature "John Watson," and the words "Clerk to Marsh, Sibbald, and Co., Bankers, Berner's-street," upon the power of attorney, which is now put into my hands; it is the hand-writing of Mr. Fauntleroy. I do not know Miss Young; my signature is put to this document as an attesting witness to the execution of the power of attorney. I did not see Miss Young sign the document, as my attestation purports. I see it is signed "Frances Young, 1815." The signature and date are in the prisoner's hand-writing. I see the demand for the transfer of the stock: it is in Mr. Fauntleroy's hand-writing. The signature to the demand, "H. Fauntleroy," is the hand-writing of the prisoner. The words, "I demand the transfer of stock from Frances Young to — Flower, Gent. stock-broker," &c., are the hand-writing of Mr. Fauntleroy.

Robert Browning, the younger, sworn.—I am a Clerk in the Bank of England, in the 3 per Cent. Consols Office, and have been for 20 years. I see this power of attorney now put into my hands, dated 1st June, 1815. My name is upon the document as the subscribing witness. I remember the prisoner bringing the power of attorney to the Bank, and demanding to act as attorney for Miss Young. I see the words "I demand to act," they are written by the prisoner, and his signature is affixed. I saw the prisoner write the words "H. Fauntleroy" to the demand, and my signature follows as a witness to the demand. I am sure I saw the prisoner sign it. He wrote the demand, and signed it in my presence in the 6th Division in the Consols Office.

Mr. Justice Park.—The 6th division, what does that mean? I don't understand it?

Witness.—The office business is divided into different departments. I have the Bank book in which the transfer of Consols is entered. By referring to the day in question, the 1st of June, 1815, I found an entry of Consols in the name of Miss Frances Young, of Chichester. On that day, Miss Young had the sum of £5,450. 3 per cent. Consolidated Annuities standing in her name. I have seen the book in which transfers of stock are entered. I hold it in my hand.

Mr. Attorney-General.—Before you look at the transfer book,

say if the amount of Stock transferred, entered in that book, is signed by the person transferring it?

It is always signed by the person making the transfer.

Mr. Attorney-General.—Now, Sir, see if there is an entry in that book of the transfer of £5,450. Stock from Miss Young to — Flower, stock-broker, on the 1st of June, 1815, and if it is signed, and by whom?

Witness.—I find an entry of £5,450. Stock, transferred from the name of Frances Young, to — Flower, Gent. Stock-broker. I find the name of Henry Fauntleroy, as Attorney of Frances Young, spinster, of Chichester. The date “the 1st of June,” and the signature, “H. Fauntleroy,” are the proper hand-writing of the prisoner, and were written by him in my presence. My name, as the attesting witness, is written in the margin. The name of the broker appears also to the transfer, thus, “Wm. Flower, Stock Exchange.”

Mr. Alley.—You swear you saw the prisoner write the demand and sign it?

Witness.—Yes: I do.

The Counsel for the prosecution proposed to call evidence to shew that the Bank had replaced the stock of which Miss Young had been defrauded by the prisoner’s forging the warrant of attorney; it being absolutely necessary to shew that she had no interest in the prisoner’s conviction before she could be allowed to prove that her signature to the warrant of attorney was a forgery.

The Attorney-General then called the following witness.

Robert Best sworn, examined by *Mr. Serjeant Bosanquet.*—I am Secretary to the Bank of England, and now produce a book containing the orders of the Directors relative to the sale and transfer of Stock. On the 21st of October an order was made by the Directors to purchase £5,550. 3 per Cent. Consols, and place it in the name of Miss F. Young, of Chichester. The order of the Directors was confirmed on the 28th of October, and the entry of that order is inserted in the book I produce. The witness commenced reading the preamble of the order, stating, “that whereas certain stock to the amount of £5,550. 3 per Cent. Consols, which stood in the name of Frances Young, of Chichester, spinster, had been transferred by means of a forged power of attorney, &c. that the Directors had resolved to replace the same, &c.”

Mr. Gurney took an objection to the reading of the preamble of the order.—*Mr. Broderick* also contended that it was not admissible evidence, though the minute of the order of the Court of Directors might be evidence.

Mr. Justice Park said, that the minute of the order of the Directors might be read, but he was of opinion that the preamble was not legal evidence.

Witness continued:—The entry of the minute is in the hand-writing of Mr. Watson, clerk in the Bank. The original order is in the hand-writing of the Chairman of the Court of Directors, and the entry is a copy. The order was confirmed on the 28th of October. I read over the minute to the Court of Directors, and they confirmed the order in my presence. An order was given to the stock-broker of the Bank to buy £5,550. 3 per Cent. Consols, in pursuance of

this order of the Directors. The stock has been bought, and placed to the account of Miss Young.

Benjamin Cole sworn, examined by Mr. Law. On the 22nd of October I was applied to, to make a purchase of £5,550. in the 3 per Cent. Consols, in the name of Miss F. Young, of Chichester, on the part of the Bank of England. I made the purchase. The cash I paid for the stock was £4,812 : 10s. and it was transferred to the name of Miss Frances Young, of Chichester. I afterwards received an order from the Governor of the Bank, to pay me the amount which I had paid for the stock—it was signed by the Governor. I produce the stock receipt, and the Consols are transferred from the name of the Accomptant-General to that of Frances Young.

Mr. Browning, the clerk to the Bank of England, was again called, and stated, I produce the ledger in which stock is entered. Miss Young has credit for £5,550. Consolidated Annuities, in the stock book. The entry is made on the 22nd of October, 1824.

Mr. Justice Park.—This evidence does not affect the merits of the case; but it was essential to render Miss Young a competent witness. Had not the stock, which it is alleged she had been defrauded of, been replaced, she would have had an interest in proving that her signature to the power of attorney was forged; but the stock being replaced in her name, she has no interest whatever in the conviction.

Mr. Gurney rose, and said that he still had an objection to make to the evidence of that lady. He did not deny that proof had been given of the Bank having replaced the stock, but no evidence had yet been given that Miss Young had received the dividends from 1815 to the present time; and till that fact were proved, he contended that she was an incompetent witness; because it was her interest to prove the forgery, that she might be enabled to recover her dividends of the Bank.

The Attorney-General said, that he should prove that the dividends had been paid:

Mr. Freshfield, the Bank Solicitor, proved the execution of a power of attorney, transferring the sum of £5,550. 3 per Cent. Consols to Miss F. Young, on the 22d of October. He was present at the execution.—The instrument was read by the Clerk of the Arraignment.

Mr. Justice Park now decided, that the Counsel for the prosecution were entitled to call Miss Young, if they thought proper.

Miss Frances Young sworn. (This young lady seemed to be exceedingly agitated as she entered the witness box) she stated—I resided in Chichester in the year 1815, and Messrs. Marsh, Sibbald, and Co. of Berner's Street, were my bankers. In the year 1815, I had the sum of £5,450. stock in the 3 per Cent. Consols; Messrs. Marsh and Co. received the dividends for me. I invested a further sum of £100. a short time since. I received from Marsh and Co. regularly the dividends of £5,450. up to the period when I made the last purchase, and after that time I received a dividend upon £5,550. I never authorised Marsh and Co. to sell any part of the stock for me; I never authorised the prisoner to make a transfer

of it.—[A paper was put into the hand of witness.]—I see the signature, “Frances Young,” to this transfer; it is not my hand-writing.

By the Judge.—I never gave authority to any one to transfer the stock.—By the Attorney-General.—I was not in London in May, or June, 1815. I was in Chichester.

Mr. James Tyson, clerk of Marsh and Co., again *examined, by Mr. Serjeant Bosanquet*.—It was usual for Mr. Marsh, the senior partner in the Bank, to go to the Bank of England to receive the dividends. Mr. Marsh lived in the country, and usually came to London for that purpose. It was the practice for a list of the dividends to be made out, and for Mr. Marsh to take it to the Bank. The list was usually made out by Mr. Fauntleroy; in fact, I believe he always made out the list. The list contained the names of the parties to whom dividends were due, and the sums they were entitled to, and which Mr. Marsh was to receive (a list shewn to the witness.) This is the list of the July dividend in Consols, in 1824. It is endorsed by Mr. Fauntleroy, the prisoner at the bar, thus “3 per cent. Consols, July, 1824, Marsh, Stracey, & Co.”

By Mr. Justice Park.—I am positive the indorsement is the prisoner’s hand-writing.

By Mr. Serjeant Bosanquet.—The list contains names, and sums opposite to them. The whole are written by Mr. Fauntleroy. The list is alphabetical. The red figures are in the hand-writing of the Bank Clerk. In the list under the letter Y is inserted the name “Frances Young,” and the sum opposite the name is £5,450. When Mr. Marsh received the dividends he paid them to Mr. Fauntleroy, who kept an account.

Mr. Attorney-General.—You have the book in which the account of the dividends was kept?—*Witness.*—Yes, I have.

Mr. Attorney-General.—By whom were the dividends of July, 1824, entered into that book.

Witness.—The first twenty-four names are entered by Mr. Fauntleroy, the remainder by a Clerk in the Bank.

Mr. Attorney-General.—Is the name of Frances Young in one of the twenty-four entries?—*Witness.*—That name stands twenty-third in the list.

Mr. Attorney-General.—Read the entry.—*Witness.*—Frances Young, £5,550. Consols.—Dividend, £83. : 5s.

Mr. Attorney-General.—Produce the book containing the account of the dividends of 1815.—*Witness.*—I have that book.

Mr. Attorney-General.—Refer to the July dividends in 1815.—*Witness.*—I find an entry there F. Young. Consols. £5,450. Dividend £73 : 19s.

Mr. Attorney-General.—Produce the book containing the 1816 dividends.—*Witness.*—I find an entry in January, 1816. There are names and sums. The three first are in Mr. Fauntleroy’s hand-writing; the rest are written by the clerk. I do not find the name of F. Young in the names written by Mr. Fauntleroy: the name F. Young written third in the list of names was written by the clerk, and the sum opposite to it is £4,540. The witness then went through the different books, showing that the lists of dividends had been regularly entered by Mr. Fauntleroy, every quarter as they were paid, and that

he must have been cognizant of the forgery by which the stock was transferred.

Mr. Attorney-General.—Refer to the day-book in which are entries on the 1st of June, 1815.—*Witness.*—I have the book, and found several entries.

Mr. Attorney-General.—Is there one entry of the sum of £2,953. 2s. 6d.?—*Witness.*—There is.

Mr. Attorney-General.—To whose credit is that sum placed?—*Witness.*—To the credit of H. F. meaning Mr. Fauntleroy.

Mr. Attorney-General.—There is an entry of £2,993 : 2 : 6d. is there not?—*Witness.*—There is.

Mr. Attorney-General.—And between the two entries you have mentioned, there is the sum of £40. inserted, making, if added together, the sum of £2,953. 2s. 6d. to the sum of £2,993. 2s. 6d.

Mr. Attorney-General.—Produce the private book of Marsh and Co. and refer to an item of the date of June 6th.

Witness.—I find an entry in Mr. Graham's hand-writing of £40. in the name of Ryan. There is an erasure in the next item, on the same line. The items June 1st, £2,953. 2s. 6d. and the £40. are in the hand-writing of Mr. Fauntleroy, and also the item of £2,993. 2s. 6d. which is placed to Mr. Fauntleroy's account.

Mr. Justice Park.—Put the book into the hands of the Jury, for their inspection.

Cross-examined by Mr. Gurney.—This money is placed to the credit of Mr. Fauntleroy, in his private account. The sums are very large, to the amount of £50,000. I don't know whether the money found its way into the funds of the Bank, as that rests with the partners themselves. I don't know whether they were drawn out on Mr. Fauntleroy's account. Marten and Co. were our city bankers: they received this money. Mr. Stracey would know whether this was applied to Fauntleroy's account or not; but the clerks know nothing of it. It was the custom to make entries to initials. We were merely ordered to make an entry of them in the ledger. [The ledger was now handed to the Jury.]

John Henry Spurling sworn, examined by the Attorney-General. In 1815 I was clerk to Mr. Soloman, who was stock-broker to Marsh and Co. On the 1st of June, I sold out the sum of £5,000. Consols for Miss Young, of Chichester. It is entered in the book. The amount of the money produced by the sale was £2,956. : 5s. Then deducting one per centage, there was left £2,950. : 2s. : 6d. The amount was paid on the 1st of June, with my draft, to the account of Marsh and Co. at the banking-house of Marten and Co. I delivered the note of the sale to Marsh and Co.

The note of sale was now put in, and read by Mr. Clarke.

Samuel Plank sworn.—I am a police officer, of Marlborough-street office. I apprehended the prisoner the 10th September, at his banking-house, in Berner's-street. There was a desk in the room where the prisoner was, which he locked after I went in. He knew I had come to apprehend him. The key with which he locked it I took from his watch at Marlborough-street; I delivered it to Mr. Freshfield. I went with Mr. Freshfield afterwards to the banking-house, and searched the desk with Mr. Freshfield. There was a private drawer in the desk, and from it I took some more keys.

There were papers there, and they were brought away by me. The prisoner was examined that day. The keys found in the desk were kept in my possession till after the examination. When I went, after the examination, to the bank with Mr. Freshfield, we found two boxes. "Fauntleroy" was on one of them. I tried them with the keys, and they opened them; after that I locked the boxes, and delivered the keys to Mr. Freshfield; the boxes were taken away by Mr. Freshfield, in a coach.

Mr. Freshfield, the Bank solicitor, sworn. I went to the house of Marsh and Co. with the officer, the day the prisoner was apprehended; I made search there. I received a key from Plank, the officer; it opened the private desk of the prisoner; in the desk were found some other keys. After the examination I returned to the banking-house, and in a room at the back of the partners' room, I found two boxes; one had the name of "Fauntleroy" upon it. There was another box by it. I desired the officer to try the box with the keys, that I might not take the box of any other person than the prisoner. He did so; and finding from the papers that it belonged to the prisoner, I took it home with me. In the course of the same night I went through the whole of one, and half of the other. One contained a number of deeds, probates of wills, letters of administration, and official documents. In the other, there were a great number of memorandums, and diaries; also, the sale-note produced. He found also the paper I now hold. (The paper alluded to by the Attorney-General in his opening speech.)

Mr. Tyson, clerk in the house of Marsh and Co. stated, that the usual method was to put the sale-note on the file. It is copied into a book by one of the clerks.

James Kirby, another clerk in the house, stated, that he had searched the books of the house, and found none of the transfers of stock had been entered. They would have been so in the regular course of business.

Mr. Watson was re-examined, to prove that the paper found in the box was the hand-writing of the prisoner. The paper was now put in, and read by Mr. Clarke.

Mr. Justice Park.—Prisoner, the case on the part of the prosecution being now closed; and your counsel having examined the witnesses; they not being permitted to make a speech for you, you may, if you wish, say any thing you think proper to the jury or to me.

Mr. Fauntleroy then rose, and, drawing a paper from his bosom, said, with a sorrowful and dejected air,—“My Lord, with your permission, I will trouble you with a few words.” Then, wiping away a tear which forced itself down his pallid cheek, he proceeded, in a very low and sometimes hardly audible voice, as follows:—

THE DEFENCE.

My Lords and Gentlemen of the Jury,—Overwhelmed as I am by the situation in which I am placed, and being uninformed in what manner I should answer the charges which have been alleged against

me, I will endeavour to explain, so well as the poignancy of my feelings will enable me, the embarrassments of the banking-house in which I have been for many years the active and only responsible partner, and which have alone led to the present investigation; and although I am aware I cannot expect to free myself from the obloquy brought upon me by my anxiety to preserve the credit and respectability of the firm, still, I trust, that an impartial narrative of the occurrences will obtain for me the commiseration of the well-disposed part of the community.

Anticipating the Court will extend its indulgence to me, I will respectfully submit such observations as I think will tend to remove from influenced minds those impressions which, with sorrow I say, must have been made upon them by the cruel and illiberal manner which the public prints have untruly detailed a history of my life and conduct; hoping therefrom I may deserve your compassion, although I may be unable to justify my proceedings, and secure my liberation, by a verdict of the jury, yet they may be considered, in the mercy of the Court and a discerning public, as some extenuation of the crimes with which I stand arraigned.

With this object it is necessary that I should first state shortly, the circumstances under which I have been placed during my connexion with Marsh and Co.

My father established the banking-house in 1792, in conjunction with Mr. Marsh and other gentlemen. Some of the partners retired in 1794, about which time a loss of £20,000 was sustained. Here commenced the difficulties of the house. In 1796, Mr. Stracey and another gentleman came into the firm, with little or no augmentation of capital.

In 1800, I became a clerk in the house, and continued so six years; and although during that time I received no salary, yet the firm were so well satisfied with my attention and zeal for the interest and welfare of the establishment, that I was handsomely rewarded by them. In 1807 my father died; I then succeeded him; at this time I was only twenty-two years of age, and the whole weight of an extensive but needy banking-establishment at once devolved upon me, and I found the concern deeply involved in advances to builders and others, which had rendered a system of discounting necessary, and which we were obliged to continue in consequence of the scarcity of money at that time; and the necessity of making further advances to those persons to secure the sums in which they stood indebted.

In this perplexed state the house continued until 1810, when its embarrassments were greatly increased, owing to the bankruptcies of Brickwood and others, which brought upon it a sudden demand for no less a sum than £170,000, the greater part being for the amount of bills which our house had accepted and discounted for these parties, since become bankrupts.

About 1814, 1815, and 1816, from the speculations with builders and brickmakers, &c. in which the house was engaged, it was called upon to provide funds to near £100,000, to avert the losses which would otherwise have visited it from those speculations.

In 1819, the most responsible of our partners died, and we were

called upon to pay over the amount of his capital, although the substantial resources of the house were wholly inadequate to meet so large a payment.

During these numerous and trying difficulties the house was nearly without resources, and the whole burthen of management falling upon me, I was driven to a state of distraction, in which I could meet with no relief from my partners ; and, almost broken hearted, I sought resources where I could ; and so long as they were provided, and the credit of the house supported, no inquiries were made, either as to the maner in which they were procured, or as to the sources from whence they were derived.

In the midst of these calamities, not unknown to Mr. Stracey, he quitted England, and continued in France, on his own private business, for two years, leaving me to struggle, as well as I could, with difficulties almost insurmountable.

Having thus exposed all the necessities of the house, I declare that all the monies temporarily raised by me were applied, not in one instance for my own separate purposes or expenses, but in every case they were immediately placed to the credit of the house in Berners-street, and applied to the payment of the pressing demands upon it. This fact does not rest on my assertion, as the transactions referred to are entered in the books now in the possession of the assignees, and to which I have had no access since my apprehension. These books, I understand, are now in court, and will confirm the truth of my statement ; and to whatever account all the sums may be entered, whether to that of Stock, of Exchequer-Bills, or to my private account, the whole went to the general funds of the banking-house.

I alone have been doomed to suffer the stigma of all the transactions ; but, tortured as I have been, it now becomes an imperative duty to explain to you, gentlemen, and through you to the world at large, that the vile accusations heaped upon me, known to be utterly false by all those who are best acquainted with my private life and habits, have been so heaped upon me, for the purpose of loading me with the whole of the obloquy of those transactions, from which, and from which alone, my partners were preserved from bankruptcy. I have been accused of crimes I never even contemplated, and of acts of profligacy I never committed ; and I appear at this bar with every prejudice against me, and almost prejudged. To suit the purposes of the persons to whom I allude, I have been represented as a man of prodigal extravagance ; prodigal indeed I must have been had I expended those large sums which will hereafter be proved to have gone exclusively to support the credit of a tottering firm, the miseries of which were greatly accelerated by the drafts of two of its members to the amount of near £100,000.

I maintained but two establishments, one at Brighton, where my mother and my sister resided in the season, the expenses of which to me, exclusive of my wine, were within £400 per annum. One at Lambeth, where my two children lived, from its very nature private and inexpensive, to which I resorted for retirement after many a day passed in devising means to avert the embarrassments of the banking-house. The dwelling-house in Berners-street belonged solely to my mother,

with the exception of a library and a single bed-room. This was the extent of my expenditure, so far as domestic expenditure is concerned. I am next accused of being an habitual gambler, an accusation which, if true, might easily account for the diffusion of the property. I am, indeed, a member of two clubs, the Albion and the Stratford, but never in my life did I play in either at cards, or dice, or any game of chance; this is well known to the gentlemen of these clubs; and my private friends with whom I am more intimately associated, can equally assert my freedom from all habit or disposition to play. It has been as cruelly asserted, I fraudulently invested money in the funds to answer the payment of annuities, amounting to £2,200, settled upon females. I never did make any such investment; neither at home nor abroad, in any funds whatever, have I any investment; nor is there one shilling secretly deposited by me in the hands of any human being. Equally ungenerous, and equally untrue it is to charge me with having lent, to loose and disorderly persons, large sums which never have, and never will be repaid. I lent no sums but to a very trifling amount, and those were advanced to valued friends. I can, therefore, at this solemn moment, declare most fervently that I never had any advantage beyond that in which all my partners participated in any of the transactions which are now questioned. They, indeed, have considered themselves as partners only in the profits, and I am to be burthened with the whole of the opprobrium, that others may consider them as the victims of my extravagance. I make this statement not with a view to criminate others or to exculpate myself; but borne down as I am by calamity, I will not consent to be held out to the world as a cold-blooded and abandoned profligate, ruining all around me, for the selfish gratification of vice and sensuality, and involving even my confiding partners in the general destruction.

Gentlemen, I have frailties and errors enough to account for. I have sufferings enough past, present, and in prospect; and if my life was all that was required of me, I might endure in silence, though I will not endure the odium on my memory, of having sinned to pamper delinquencies to which I never was addicted. Thus much has been extorted from me by the fabrications which have been cruelly spread amongst the public, that very public from whom the arbiters of my fate were to be selected. Perhaps, however, I ought to thank the enemy who besieged the prison with his slanders—that he did so while my life was spared to refute them, and that he waited not until the grave, to which he would hurry me, had closed at once on my answer and my forgiveness. There is one subject more connected with these calumnies, to which I am compelled to advert, (and I do so with great reluctance,) lest it should be thought there was no crime in which I was not an adept. I have been accused of acting treacherously towards the female who now bears my name; having refused to make reparation until threatened by her brother; and of having deserted her at a moment when she had the greatest claim on my protection. Delicacy forbids me entering into an explanation on this subject farther than to declare, that the conduct I adopted on that occasion was uninfluenced by the interference of any individual,

and arose, as I then considered, and do still consider, from a laudable and honourable feeling on my part; and the lady's brother, so far from coming forward at the time alluded to, was on service in the West Indies. Could all the circumstances be exposed, I feel convinced that every liberal-minded man would applaud my determination; and I feel satisfaction in stating, that the lady in question has always been, and still is actuated by the best of feelings towards me.

I have now only to apologize to the Court for having entered so much at length into the statement of my unfortunate case; and, in conclusion, I have to express my perfect confidence, that it will receive every favourable consideration at your hands; and I fully rely that you, Gentlemen of the Jury, will give an impartial and merciful decision.

The prisoner having concluded his address, sat down, evidently exhausted by the effort and overcome by his feelings. A glass of water was brought him, of which he took a little; and while the witnesses to his character were examining, he leant his head on his hand, in which he still held his handkerchief, in a manner to cover his face, as if unwilling to be seen by his former friends. At times, while they were giving their evidence, he appeared to weep.

The following witnesses were called to the prisoner's character, and examined by Mr. Gurney.

Mr. John Wilson knew Mr. Fauntleroy about sixteen years, during the whole of which time he maintained an unspotted character: he always considered him a man of the strictest integrity.

Sir Charles Forbes had known Mr. Fauntleroy twelve years, and always considered him an honourable and obliging gentleman, and an upright man of business.

Mr. Gray knew him fifteen years, and always considered him deserving of the highest esteem and respect.

Mr. Bolt knew Mr. Fauntleroy twenty-seven years, and always esteemed him a kind, an honourable, and upright man.

Mr. James Robinson knew him eleven years, during which time he maintained as high a character as man could possess.

Mr. Wand was acquainted with Mr. Fauntleroy eleven years; his character was most excellent.

Mr. Lindsey knew Mr. Fauntleroy ten or twelve years; he did not know a man who appeared to possess more kind or honourable feelings.

Mr. Anthony Browne was acquainted with him sixteen or seventeen years; and always entertained the highest opinion of his honour and integrity.

Mr. Wyatt had known Mr. Fauntleroy twelve years; he was a most honourable, kind hearted, and benevolent man.

Mr. Montreal knew Mr. Fauntleroy twelve years; he was a most benevolent man, and had the highest character for integrity.

Mr. Montague was acquainted with Mr. Fauntleroy upwards of twelve years, and never knew a more kind-hearted and humane man. His character was most excellent.

Mr. Vernon was acquainted with him sixteen years; he always

had the character, and appeared to be a very kind, and a very honourable man.

Mr. Ross knew *Mr. Fauntleroy* fourteen years; he had the character of being strictly honourable and upright.

Mr. Church knew *Mr. Fauntleroy* twelve years, and had much dealing with him. He was always strictly honourable and upright in all his transactions with witness, and had universally the character of the strictest integrity and honour.

Mr. Yatman was acquainted with him twelve years; he always possessed a character of the highest excellence.

Mr. Boshnel was acquainted with *Mr. Fauntleroy* fifteen years, and always considered him a perfectly honest and honourable man.

CHARGE TO THE JURY.

At ten minutes after two o'clock, *Mr. Justice PARK* commenced his charge to the Jury. The prisoner, he said, was indicted for forging a power of attorney, for the transfer of stock belonging to *Miss Frances Young*; and for uttering such power of attorney knowing it to be forged. There were other counts in the indictment, charging the prisoner with an intent to defraud the Bank of England, and also a person of the name of *Flower*, to whom the transfer was made. The forgery they might put out of their consideration, as there was no evidence of its having been committed in London; and they, as a London jury, could not try a prisoner for any crime not committed in the city; but if they should think that the count which charged the prisoner with uttering the forged power of attorney at the Bank of England, which was in the city of London, knowing it to be forged, finding him guilty on that count, was the same in its legal effect as if he were found guilty on all the counts in the indictments. The prisoner, in his address to the Jury, had mentioned a subject, which at all times gave him (*Mr. Justice Park*) great concern, and on which he would, at whatever peril, express his opinion as often as it occurred, because it was truly painful to hear a person in the prisoner's situation complaining of the obloquy they suffered from misrepresentations in the public prints. Such cruel conduct was calculated to bring the minds of jurors to form a bad opinion of the person on whom they were to pass judgement before they heard the evidence; and if such cruelty towards the prisoner had been committed, he was right to mention it, and declare its falsehood. He hoped, and was confident, the jury would pay no attention to any thing they had ever heard respecting the prisoner's conduct before they took the book into their hands, by which they bound themselves, before God, to deliver a true verdict, according to the evidence. No man could be fit for the administration of justice who allowed himself to be influenced, or paid the least attention to any reports he might have heard before a prisoner's trial. If a prisoner were in reality the most wicked person in the world, unless the evidence was sufficient to convict him of the crime of which he was charged, a jury would be bound to acquit him. The law did not in any case admit witnesses to bad

character, but only to good, and no man should be injured by report to his prejudice. The Attorney-General and the prisoner had both called on them to dismiss those reports from their minds; and he (Mr. Justice Park) had allowed the prisoner to proceed in the statement he had made in answer to those cruel charges, though that statement did not go at all to the point of the case to be decided, as the only question for their consideration was, whether the prisoner uttered the power of attorney given in evidence in the manner imputed to him? That question contained three points: the first was, was that instrument forged? the second, did the prisoner utter it? the third, and most important, did the prisoner at the time of uttering it know it to be forged? If they were satisfied by the evidence that those three things were proved, then the prisoner's guilt was legally proved, and it would be their duty to find a verdict in conformity with that evidence. On the first point, was the instrument forged? by the law of England, a person whose name was forged to an instrument, in which they had an interest, could not be a witness to prove the forgery—it was a strange rule of law, but the Court was bound by it. Miss Young, whose name was forged to the power of attorney in question, under which her stock had been transferred, could not, therefore, be called to prove the forgery. But the Bank of England, to qualify her for being a witness, had replaced her stock, and they had executed mutual releases to each other, by which she ceased to have any interest in the question, whether that instrument was a forgery or was genuine. She had proved that the name signed Frances Young to the power of attorney produced, was not her hand-writing, and that she had never authorised any person to write it; and James Tyson and John Watson, clerks in the bank in which the prisoner was a partner, whose names were both signed to the instrument as witnesses of its execution by Miss Young, had proved that their names were not in their hand-writing, and that they had never seen Miss Young in their lives till they saw her at the police-office, after the prisoner's apprehension. This was a strong evidence that the instrument was a forgery as could be produced, and must be sufficient to satisfy every mind. The next point for their consideration was, did the prisoner utter the forged instrument? It was stated in evidence that, by the practice of the Bank, the names and description of persons to whom powers of attorney for the transfer of stock are given must be stated to the Bank, and that the person so appointed must go to the Bank and demand to act under the power he has received. It was proved that the prisoner had uttered the power of attorney produced, and had demanded to act under it, and had been allowed by the Bank so to act, they supposing it to be a genuine power of attorney, and that Miss Young's stock had in consequence been transferred by the prisoner's direction—this was as strong a proof of uttering as could well be conceived. The third point was, did the prisoner at the time of uttering know that the instrument was a forgery? On this an observation arose on the face of the paper itself. Tyson and Watson, whose names were subscribed to it as witnesses, proved that the names were not in their hand-writing, and that the words stating the instrument to be ex-

ecuted in their presence were in the hand-writing of the prisoner, therefore he must have known it was a forgery at the time he uttered it. It was also proved that, although the transfer of this stock took place in 1815, the prisoner, for the purpose of concealing that fact, continued to give Miss Young credit for its amount in lists of stock on which dividends were to be received by the bank in which he was a partner, and which lists he made out down to a short time before his apprehension. It was also proved that there was an entry made in the books of the bank in which the prisoner was a partner, and in his hand-writing, dated the 1st of June, 1815, in which he took credit for £2953, paid by him that day into their bank, and it was proved by the stock-broker who had sold Miss Young's stock for the prisoner, under the forged power of attorney, that the sale was made on the 1st of June, 1815, and that the produce which he paid over to the prisoner on that day was £2953, the very sum for which the prisoner had taken credit in his own books. Mr. Gurney, the prisoner's counsel, had asked, on this evidence, whether the money went to the credit of the prisoner's private account, or was carried to the general account of the firm; but that was a matter totally irrelevant, and nothing that the prisoner had said on that point could at all form a subject for their consideration. Their only inquiry was, whether the prisoner had used the means imputed to him for obtaining the money—not how he had employed it. Hitherto he had been examining the probability of the prisoner's having uttered the power of attorney with a guilty knowledge, as that probability was to be inferred from the facts of the case, but, after the next piece of evidence that he was to mention, what man could lay his hand on his heart and say he was not convinced that the prisoner knew the power of attorney was forged at the time he uttered it. He only said this because the prisoner had said it of himself; it was indeed such a document as he had never before seen, nor could expect to see, as it was evident no one could keep such a document in his possession without exposing himself to the greatest possible risk. The learned judge here recapitulated the statement of Plank, the officer, and Mr. Freshfield, of finding the papers in the prisoner's box, and first read the paper called the sold note of Miss Young's stock which, he observed, it had been proved, if regularly sold, would have been filed and copied into the bank books, neither of which had been done. His Lordship then read the document in which the prisoner had stated his having sold the stock mentioned in it under powers of attorney which he forged; and then said—Is it possible for any man to say, after this evidence, that there can be a doubt on the third point, that at the time the prisoner uttered the power of attorney, he knew it to be forged?—he solemnly declared the fact under his own hand eight years ago. No cause of any kind could ever induce an honest man to commit an act of such atrocity. The prisoner says he did not intend to defraud, but he had recorded, under his own hand, that he did the act to punish the Bank. He has also said that he did it to support the credit of his partners; but in an honest, or Christian mind, no motive could come in competition with the misery such conduct must produce. There was one point

in the prisoner's favour which he was glad of, and it might, perhaps, be some consolation to the prisoner's mind—a great number of most respectable gentlemen had given him a very high character. It was the misfortune of those cases, that it was persons of high character who had the opportunity of committing such frauds, no others could do it. The Jury had heard other indictments against the prisoner read, but they must put them out of consideration, as they were only to attend to the case on which they had heard evidence: but if they were satisfied by the evidence they had heard, that the crime imputed to the prisoner had been proved, if he had the character of an angel, it would be their duty to find him guilty. If, on the other hand, they, acting under the sacred obligation of an oath, entertained a doubt of the prisoner's guilt, then they would allow the excellent character that had been given him to have its due weight; but if they were satisfied with the evidence, however they might lament, and every man of feeling must lament, to see a man who had possessed so high a character, in the prisoner's unhappy situation, still they must discharge their duty with firmness.

At ten minutes to three o'clock his Lordship concluded his charge.

The Jury then retired to deliberate on their verdict. During their absence, which lasted for twenty minutes, Mr. Fauntleroy resumed his seat, and appeared extremely affected. A sudden rush of the crowd at the door of the Court announced the return of the Jury. The prisoner stood up to hear his awful sentence. Whilst the Clerk of the Arraignment called over the names of the Jury, and repeated the formal words of the law—"How say you; are you agreed upon your verdict, is the prisoner at the bar Guilty, or Not Guilty?"

The Foreman of the Jury replied—"GUILTY OF UTTERING THE FORGED INSTRUMENT KNOWING IT TO BE FORGED."*

At this moment every eye was fixed on the unhappy prisoner, who remained for a moment quite motionless, apparently unconscious of every thing around him, and then sunk down into his chair.

After the verdict was recorded, a long private discussion took place between the Judges and the Counsel for the Crown, as to the propriety of proceeding with any of the other indictments, when at length the Attorney-General said, that he should not press the Court to proceed on the other cases.

Mr. Justice Park addressed the prisoner: "Henry Fauntleroy." The prisoner, who, for some minutes had been quite absorbed in his meditations, started at the sound, and then looking wildly at the Bench, rose, as if in expectation that sentence was to be pronounced upon him. The learned Judge proceeded—"Henry Fauntleroy, you have been found guilty on the first of several indictments for extensive forgeries; and Mr. Attorney-General conceives it unnecessary to enter into any of the other charges. It is no part of my painful duty to pass upon you the sentence of the law, that will be the business of the Recorder, at the end of the sessions. But I feel bound

* This verdict subjects the prisoner to the awful penalty of DEATH, in like manner as though he had been convicted of the forgery.—EDITOR.

as a Christian Magistrate to inform you, that, after the great offence of which you have been convicted, and after the many other crimes of a like kind, of which you have acknowledged yourself to be the perpetrator—crimes which must have brought ruin on many individuals; you must not console yourself with the hope of receiving mercy in this world. It is not my province to extend mercy, that is a prerogative which belongs exclusively to the Sovereign; and although I do not say it is impossible, still there is no probability that such mercy can be extended to you; I therefore advise you to prepare yourself for that fate which all persons in your situation must expect to undergo; and I pray you to apply yourself to the obtaining that spiritual comfort which will entitle you to forgiveness in another world, for no mercy can you reasonably expect on this side of the grave."

The prisoner clasped his hands firmly together, sighed deeply, and then, making a low obedience to the Court, retired in the custody of some of the keepers.

Mr. Fauntleroy was, by the indulgence of the Sheriffs, permitted to return to the room in which he has been confined since his removal to Newgate. His solicitors there saw him immediately afterwards; and on its being communicated to him that even the Counsel for the Crown felt and avowed their commiseration for his fate; and that one of these gentlemen had mentioned his approbation at the manner in which the defence had been conducted, and that, in his opinion, Mr. Fauntleroy had succeeded in removing from his character a great part of the opprobrium which had been cast upon it. This circumstance seemed wholly to overpower him, and, in an hysterical and convulsive manner, he cried out—"Did he! Did he! God bless him! God bless him!" The tears then gushed from his eyes in torrents, he sobbed aloud, and for some few minutes became insensible. On recovering himself, he expressed his gratitude to Heaven, and to his friends, that the day of trial had passed over, and that there was reason to hope he had in some measure redeemed his reputation. The Rev. Mr. Cotton, the Ordinary of Newgate, also kindly waited upon Mr. Fauntleroy, immediately after the trial; the latter received him most cordially, and said he should wish to place himself implicitly under the reverend gentleman's guidance and instruction.

We understand that Mrs. Fauntleroy is in London, with her son, an interesting youth, about twelve years of age. A gentleman, not knowing whom she was, happened inadvertently to mention, in her presence, on the evening of the trial, that the unfortunate Mr. Fauntleroy was found guilty, when she instantly fainted away, and it was some time before she recovered her senses, when her anguish and distress were extreme, and it was in vain to attempt to console her.

APPENDIX,

Containing important Particulars and Editorial Remarks, concerning
the Prisoner, extracted from the Daily and Weekly Journals.

From the British Traveller, October 30.

THE case of Mr. Fauntleroy has been exceeded in magnitude of property involved, only in the instance of Aslet, and as respects the number of individuals affected by the various transactions, this case is, unquestionably paramount with any that has ever occurred. From the moment of the discovery, down to the hour of trial, the subject has been a theme of conversation, opinion, and speculation, not only in the metropolis, but in every part of the United Kingdom; and, unfeelingly as it must be considered, bets, to a very great amount, were actually made on the issue of the trial, and on matters of minor importance connected with it. Such has been the anxiety of the public to witness the trial, that, for several days past, pressing solicitations have been made to every person holding any office in the court, to procure admission.

From Bell's Weekly Dispatch, October 31.

ALMOST immediately after this unfortunate gentleman was apprehended, he expressed to his friends his firm opinion that any defence would be unavailing, and his anxious desire, by pleading "*Guilty*," to spare himself the pain and mortification of being exposed for hours to the gaze of a crowded court, and compelled to hear the narrative of his deplorable case; and he stated that it would be more congenial to his feelings to adopt this course, because the prosecutors' counsel would then be compelled to shut up their briefs, and thus all further publicity would be avoided; in deference, however, to the advice of his friends, he placed himself in the hands of legal advisers, but he still wished it to be understood, that if his counsel should consider his case as hopeless, he should be allowed to follow his original intention of pleading *Guilty*. His counsel met in consultation, and were unanimously of opinion that he had no prospect, or even possible chance of escape, if the indictments were framed as they had reason to expect, from the intelligence and caution of the bench agents, they would be; but they very properly declined giving any advice to Mr. Fauntleroy as to the course he should adopt, and left him to be guided entirely by his own feelings, as to whether or not he would take his trial, or plead *Guilty*. The result of this conference was partially communicated to Mr. Fauntleroy on the Tuesday preceding his trial, and more distinctly on the following day, by his brother, and his solicitors, Messrs. Forbes and Harmer, and, also, by Mr. Mayhew, a respectable solicitor, who, as a private friend, has most kindly and zealously, throughout Mr. Fauntleroy's Defence, afforded his professional aid and advice, and it was expected that Mr. Fauntleroy would decline putting himself upon his trial; on this point, however, nothing decisive was elicited from him until Wednesday evening, when he addressed to Mr. Forbes the following letter:—

"MY DEAR MR. FORBES,—John and myself have been a long time talking upon this melancholy subject, and we have finally agreed to plead *Not Guilty*. As, no doubt, the strongest case would be brought forward

first, and things may come out in extenuation, (though, perhaps, it may not avail,) and may place me in a better view towards the public eye—so pray be preparing a defence.

“ Every yours,

“ HENRY FAUNTLEROY.”

It should be remarked, that Mr. Fauntleroy was daily annoyed by seeing the unfounded slanders propagated respecting him in the public prints; and he was dreadfully distressed and nervous on finding his name frequently associated with that of the cold-blooded murderer Thurtell. These attacks unsettled his resolves, and induced him to put himself upon his trial, if it was only to have the opportunity of answering the numerous calumnies propagated against him, as appears by the following letter, which he addressed to Messrs. Forbes, Mayhew, and Harmer.

“ MY DEAR SIRs,—Ever since my imprisonment, the utmost ingenuity has been exercised in inventing, and the greatest pains taken in propagating the most unfounded and calumnious reports respecting me. I daily hoped that the fallen fortunes, the distressing and appalling situation of an unfortunate and wretched man, would excite commiseration in the heart of the most unfeeling and obdurate, and that these cruel slanders would cease on the slightest reflection; in this expectation, however, I was disappointed, and each succeeding day I was doomed to find myself accused of crimes I never committed, and with a course of profligacy and vice for which there was no foundation. Indeed, I have been depicted in such odious colours, that it would be painful to any one hereafter to acknowledge any relationship or acquaintance with me; and if these imputations remained uncontradicted, and were credited, no one could think of my memory without sensations of indignation and of horror. Had my unfeeling assailants confined themselves to statements and animadversions on the magnitude and atrocity of the offences for which I was to take my trial, I should not have complained: there are, however, but few crimes in the catalogue of human depravity which have not been imputed to me. The distress and anguish of mind which I have naturally felt at these reiterated slanders, have been rendered additionally acute by the pain which I knew they would inflict on those who are dearer to me than life itself: so far, however, as I am concerned, they will shortly be of little consequence; but I cannot bear the reflection; that the sting should remain to torture the dear relatives and friends who will survive me. It is this consideration, and not any hope of averting my fate, that has induced me to undergo the distressing and disgraceful ordeal of a public trial, as the only means by which I shall have the opportunity of proving to the world that the immense sums which it was supposed, and asserted, that *I alone* had acquired and squandered away, were really never in my individual possession; that every shilling was placed to the house account, and appropriated generally to the concerns of Marsh and Company; and that, although *I* have been criminal, *others* are not infallible; and I owe it as a debt of gratitude to those dear connexions who have not deserted me in my great and anxious tribulations, to rescue my memory, as far as I am able, from unfounded calumny; and I do hope, that when all the circumstances of my unfortunate case are reviewed, it will appear to every impartial and liberal-minded man, that I have been a victim to the peculiar circumstances in which I had unfortunately been placed; and, although by the existing laws of the country I may be justly doomed to suffer the heaviest punishment those laws can inflict, still that I am not altogether undeserving the commiseration and the pity of my fellow-creatures.

“ The detailed statement I have already handed to you relates the history of my misfortunes, at least so far as they led to the commission of the offences with which I am charged, and the appropriation of the money. I shall not, therefore, here trouble you with a repetition; but shall confine myself

to short and general observations on the reproachful and slanderous reports which have been so widely circulated regarding the incidents, or the imagined occurrences, of my private life.

"I am charged with having been a gambler. My answer is, that I was never in a gaming-house in my life. Although a member of two clubs, the Albion and the Stratford, I never played at cards or dice at either, nor did I ever play at any other game of chance.

"I have been accused of having ruined a lady, and refused to make reparation until threatened by her brother to call me out; and it was added, that I had deserted her the moment she had the greatest claim to my protection. Delicacy forbids me entering into an explanation on this subject, further than to declare, that what I did was perfectly voluntary, and with the most laudable and honourable motives; and so far from the lady's brother having interfered, he was at the time alluded to in the West Indies. Could all the circumstances be exposed, and my conduct and motives duly appreciated, I feel convinced that every liberal-minded man would rather applaud than censure them; and I feel pleasure in stating, that the lady in question has always been, and now is, actuated by the best feelings towards me.

"I am reproached with a dishonourable seduction in France.—I *never* was upon the continent but one night in my life (*i. e.* Calais), and therefore could not have seduced any young woman from a convent, which has been falsely attributed to me.

"I am accused of keeping many expensive establishments for my amours. This I positively deny; I never kept any one such establishment. I had one house at Lambeth, and one at Brighton. The one at Lambeth was my house—as my children were there; at this no extravagance was permitted, for I was living there in perfect retirement after my hours of business. The expense of the Brighton establishment I have before described in my other remarks, as altogether not exceeding 340*l.* a-year.

"I am accused of carrying on an intimacy with Mrs. Bertram, and by that means squandering away money. My only knowledge of this woman I have already described to you, and which will appear to have been a mere temporary and slight acquaintance, which ceased many years ago.

"I am charged with having prodigally, or at least inadvertently, lent money to persons of loose character: this I also deny. I never lent to any such persons; nor did I advance any sums without receiving a security.

"I am charged with having settled upon various females annuities of the yearly value of £2,200; and it has been said that I have fraudulently invested moneys in the funds, to answer the payment of such annuities. This, like all the others, is a gross fabrication.

"I am charged with having invested moneys in my name, or in that of trustees, in the foreign funds, or with having deposited sums of great magnitude with confederates. This I positively deny: I have no investment whatever in any foreign or other funds, neither have I deposited with any person, or in any way concealed one single guinea. I have always felt too much interest and devotion for the welfare and keeping up the credit of the banking-house to think, for one moment, of making the least provision for myself; as the sacrifices I have made for years past, in sleepless nights and anxious days, and my present unhappy situation, must too truly testify.

"I cannot conclude without offering my grateful thanks to those dear friends, who, notwithstanding the calumnies that have been heaped upon me, have still consoled me by their kind attentions; to all of them I give my humble, best, sincere blessing, and bid them a last adieu.

"I remain, dear Sirs, your ever sincere and affectionate
"HENRY FAUNTLEROY."

In obedience to Mr. Fauntleroy's wishes, the substance of his statement was put into form as a defence, and the draft was on Friday evening sub-

mitted to his inspection. He read and approved it, and promised, not only to copy it by the following morning, but to read it to the Jury; and at ten o'clock at night, Mr. Mayhew and his solicitors left him.

In the early part of the previous week, the mind of Mr. Fauntleroy appeared to be more distressed than at any time of his imprisonment; this probably arose from the conflict in his mind, as to the course he should take respecting his trial, the anxiety he was under to wind up all his worldly affairs, and the anguish he felt at finding himself so near the eve of his ordeal, stigmatized and traduced in almost every direction. But what appeared the most to affect and unnerve him, was the information he received, that one individual, in particular, was assisting in the propagation of slanders against him, from whom, of all others, he had a right to expect sympathy, and the most unremitting and anxious attentions. This conduct, from a man who was bound to him by peculiar ties, was, as the unfortunate gentleman expressed himself,

“The unkindest stab of all;”

his mind was wholly unprepared to meet it; and the unfeeling conduct of this individual, it is believed, more than any other consideration, induced Mr. Fauntleroy to stand his trial. When Mr. Fauntleroy's solicitors and friends endeavoured to sooth and comfort him, his feelings frequently overpowered him—his grateful heart appeared to swell as if ready to burst from his bosom—he endeavoured to speak, but his utterance was choked, and embracing alternately all those around him, he burst into tears, and sunk exhausted under the ebullition of his feelings: as the time of trial, however, approached, he became more calm; and when his concerns were finally settled and arranged, he assumed his wonted composure and resignation.

From the Sunday Times, October 31.

The sympathy which the fate of this individual has awakened in the public mind, affords a striking proof, to the many on record, how this generous feeling may be perverted. Curiosity does not fitly express the keenness with which the reader gazed over the detail of his examinations at Marlborough-street, and the appearance which he there exhibited, and far less can it embody the mingled emotions with which the story of his past life, or rather the black picture of his past guilt, was read and conned over. Apart from these circumstances, we must own that there is something melancholy in the details of a prisoner's preparation after his trial, when anticipations of retributive justice infect and agitate his mind. When the unhappy man calls in the aid of his spiritual adviser—when he dictates his farewell letters to the tenderest objects of his love—when the heart of friendship is wrung at thoughts of a parting so frightful and dishonoured—and when, in a cheerless and dreary cell, his mind is torn by the conflicting passions of remorse, fear, and dread, relieved only by pale and fitful dreams of hope, one must have lived to little purpose in society, if he can check the impulse of pity. But this amiable feeling may be misdirected—nay, its operation may become positively criminal. It may tend to wrap an object otherwise depraved and despicable, in the fairest colours, and thus bewilder that moral judgement which society ought to pass on those beings who are outlawed from its esteem. Perhaps we may be accused of harshness and cruelty in early denouncing Henry Fauntleroy as a being whose long career of iniquity, and whose wilful infliction of misery upon hundreds of innocent people, have denied to him that sympathy which falls to the lot of others, who, like him, stand on the awful brink of eternity, but who, unlike him, have not wrung the alarum to their unqualified execration. What avails soft phraseology and piteous wailings, when the laws of the community have been so flagrantly, so dreadfully violated—when the perpetrator, with the tremendous consequences of his misdeeds for ten long years in his sight, was indulging in disgusting dissipation, utterly reckless of the dearest

interests of those whose private friendship, or the confidence of business, had placed under his protection—and even when in the gloom of his prison-house, one sigh of regret for the ruin he had caused has never escaped his lips, it becomes us rather to speak loudly, though sadly, and to hold up, not the apparatus of death only, but that more terrible judgement which awaits such mis-doings in the opinion of mankind.

Ever since the days of Dr. Dodd, no simple case of forgery has excited more universal attention: If guilt could ever be extenuated, that of the former brought along with it some charitable considerations. All know under what circumstances the fatal signature of Chesterfield was affixed to the bond, and the deep and settled remorse which clung to him after the act had been done, and after the effects of it were shadowed out before him. Here only *one* person,—if we lay aside the wide wound, which the crime gave to a commercial country—the character of the party to the day of the deed, was decent, though without virtue, and he whom it solely concerned, greatly divided the opinions of honest and upright men. But, in the case of Fauntleroy, the mischief is ramified to a most alarming extent. Through his nefarious conduct, the hopes, the prospects, the happiness of hundreds have been blasted and withered; age has been divested of its comforts; youth deprived of its promise; industry of its reward. It is ours to feel for these unfortunate people; who have been compelled to drink the cup of sorrow, not for him who prepared the potion.

There may be circumstances attending a forgery which greatly extenuate the deed. True it is, commercial policy has subjected the offender to the highest of human forfeitures, but, in the eye of morality, it widely differs from offences *mala in se*. There are certain obligations which run through savage as well as civilized life—the decrees of Heaven are as just as they are immutable. The laws of Sinai are as the laws of our nature, enforced in the form of precepts. Hence the distinction between offences of human origin and of divine denouncement. The breach of the one is *illegal*—the other is positive guilt. But though men may be hurried to the violation of human laws, under circumstances admitting of great extenuation, and the case of forgery would supply the elucidation, yet this offence may be committed under circumstances, uniting a laxity of social obligation with a total disregard to higher sanctions. To such a combination we think the conduct of Henry Fauntleroy must be attributed.

The commission of forgery after forgery, each rivaling the other in daring—his daily intercourse with those whom he either had or intended to betray and to ruin—the deliberate expenditure of the funds so raised amongst the fascinating tenants of stews and brothels, in vicious luxury and profligate profusion—all proclaim a depraved viciousness of character which stifles pity, and presents a sad, and, we would fain believe, a rare instance of criminal selfishness, which sought and obtained its gratification, regardless of the peace and happiness of man, or the commandments of Heaven.

REFLECTIONS.

Thus has come to a close, that trial which has recently become the theme of conversation, and which has given rise to so many destructive opinions. However strong the evidence which was brought against Fauntleroy; and however stern and vindictive the prejudices which were arrayed against him, some feeling of disappointment must be felt at the publication of his defence. It was a cold, studied, and rhetorical attempt—evidently prepared with labour, and delivered like one more disposed to gratify himself, than to satisfy others. Neither its composition nor its delivery could warm the affections; it passed over the surface of the mind without leaving trace or vestige of its progress. In one respect it may be said to be valuable—in affording proof, if his statement is to be credited, of the participation of the other partners in Berners-street, in the guilt of the infatuated criminal—his

was the daring, their's the cowardice of crime. We can scarcely suppose that a man, standing in the awful situation which he did, would string together a tissue of falsehoods which were so easy of refutation, and which would be scanned with eagle-eye by those persons who were inculpated in them. From the first moment when the forgeries were brought to light, we declared our belief that others must have shared in the prizes which Fauntleroy had seized, at the risk of his life; and now, if his farewell appeal to the world is to be credited, we have more than suspicions on which to attach a moral, if not a criminal responsibility to the partners. But can this implication afford palliation or excuse for his conduct? We answer no. If in a moment of frenzied zeal for the interests of the house, he had committed the rash act, having in his mind the certainty of atoning for it; or if, led by anxiety for its moral fame from the number of unfortunate persons whose property was bound up in it, he had stepped beyond the strict rules of justice,—nay, even if deluded by the confidence of others, he had rashly interfered with those funds which ought to have been held sacred—charity might have softened down the harsh and revolting features of his case. But when, according to his own confession, the Banking Establishment in 1807 was “*embarrassed*,” by a loss of £20,000,—the year in which he was installed as a partner; and when *three* years afterwards it sustained a diminution of capital to the enormous extent of £170,000; and when all this while the parties were pasturing quietly on the annual fruits of the concern, callous to the impending ruin, and careless what hearts were withered, and what fortunes fractured—it was something more than rashness—it was positive criminality to barter away the money of third parties in such an experiment. As to his professions of misplaced zeal, for the interests of the house, they look awkward when placed beside the account of the stock, drawn out on forged warrants, dated in 1819, which contains a deep expression of malice against the firm. Could a man, after having written such a paper, and having kept it in his possession for *five years*, ever expect to take credit for his disinterested endeavours to prop an establishment whose fate he had so fearlessly doomed? Any feeling which might be thought to plead in his favour, from a hasty and perilous confidence in future resources, is also set at rest, by the long continuance of his peculations, by means of the forged warrants; for surely that confidence must have been great indeed, which could stand the shock of so many embarrassments, carried through a series of years.

We refrain from noticing the spécial finding of the Jury; for as there is no difference in the punishment awarded by the law, we see none in this case in the offence charged. While the guilty knowledge of the forgery is found by the verdict, the act of forgery is not disproved. It is not to be presumed that the high prerogative of mercy will be the price awarded to the technicalities of the law—thank God! it is reserved for nobler purposes.

ANECDOTES OF THE PRISONER.

Many curious traits in the character of Mr. Fauntleroy are at present in circulation; but where the anxiety to obtain them is so great, several are likely to be fictitious. A singular proof, however, of the self-possession with which he went through his work of deception has been related to us on unquestionable authority. One day he called at the Bank of England, and handed over to one of the clerks a forged power of attorney for the transfer of stock, which was held in his name and that of another person, whose signature he had counterfeited. While the clerk was glancing over the paper, the very person whose name had been abused, happened to enter the Bank. The moment Fauntleroy perceived him, he with amazing presence of mind, turned towards the clerk, and saying that he had forgot to insert something in the power of attorney, begged it to be given back to him. The request was complied with. Afterwards advancing towards his friend, he shook

hands with him in the most cordial manner, and walked with him out of the Bank. As an instance of the utter indifference with which he looked upon the victims of his guilt, it is said that he was in habits of intimacy with almost all the parties whom he robbed, and that long after he had squandered all their money, and while he was paying their dividends, he used frequently to attend companies at their houses, and to invite them to his own in return.

It is not true, as some pretend to say, that his future fate ever seriously occupied his mind, during his confinement. In the course of the day he was engaged in the disposal and distribution of his personal effects, and in writing out memoranda of the Bank affairs. In the evening, when alone, he indulged himself with reading works of amusement. A few nights before his trial, he told his counsel, Mr. Broderick, that he had a strong inclination to plead *guilty* to the indictment; and frankly asked his opinion as to the propriety of this conduct. Mr. Broderick answered that although he could not hold out any hopes for him, yet he dissuaded him from adopting this course, as he would thus lose the benefit of any technical objections that might arise in the course of the trial. Fauntleroy shook his head incredulously; and the conversation dropped.—The vanity of Fauntleroy was excessive. He had adopted the foolish idea that he strongly resembled Bonaparte in the shape of his face; and the sycophants who surrounded him took care to favour this conception. That he might always have an image of the great prototype before him, he procured a marble bust of Napoleon, which cost him an enormous sum, and this he placed in the most conspicuous part of his drawing-room. On the opposite side was a bust of himself, which, through the kindness of the sculptor, who had doubtless got his cue, was made in some of the features, particularly in the brow and the nose, to bear a striking resemblance to those of Napoleon.

From the Observer, October, 31st.

A good deal of scrambling, it is stated, has taken place to obtain the customers of the banking-house, in Berners-street; two new establishments have been formed with this view. Sir Claude Scott, in conjunction with Messrs. Williams and Co. of Birchin-lane, have opened a house in Holles-street, and have offered, it is said, to place a sum equal to ten shillings in the pound on the amount of their debts due from Marsh and Co. to the credit of those who may open accounts with them. Another house, at the west end of the town, has engaged two of the clerks of Messrs. Marsh & Co., and, having obtained a list of their connexions, has proceeded to canvass very actively.

From the John Bull, October 31.

The trial of Mr. Fauntleroy took place yesterday at the Old Bailey, and a verdict of guilty was returned against him. The interest excited was prodigiously great, and the concourse of spectators proportionably numerous. The Attorney General, who was retained for the prosecution, produced the most extraordinary document imaginable in the Court, being neither more nor less than a list, in the prisoner's hand-writing, signed by himself, of the various forgeries committed by him to keep up the credit of the house—this was dated so long ago as 1816.

The falsehood of all the statements respecting Mr. Fauntleroy's private extravagance, was clearly shown, and upon our minds the most striking part of the whole transaction, or series of transactions, is the declared ignorance of Mr. Fauntleroy's partners of the proceedings and the measures he was taking to support the credit of the firm. It should seem that these gentlemen ought to have known enough of the affairs of their own establishment to feel the difference produced by the acquisition of £170,000 to which they were not entitled. We should ourselves like to be informed what is the actual state of Mr. Marsh's private account with the house at this moment, and

what the state of Mr. Graham's account—the commissioners' of bankruptcy will, we presume, get at this information, and it is highly important that they should do so. The life of one partner is sacrificed to the offended laws of his country—offended by his forgeries for the benefit of the firm—it is but right that the country should be satisfied of the conduct of the other partners during the struggle which it appears Mr. Fauntleroy made, at the hazard of his existence, to preserve their reputation.

From the News, October 31.

The interesting trial of Mr. Fauntleroy unfolds a scene of the greatest confidence, combined with the greatest carelessness, or rather folly, independent of guilt, which is to be found in the annals of crime. That a man should be so silly as to keep by him such a paper as the Attorney-General read at the trial, for a period of eighty years, would appear impossible, did not the fact stare us in the face in the instance of Mr. Fauntleroy. His address to the Court will, however, excite much commiseration for the unfortunate man, and, if founded on truth, not wholly without its being merited.

From the Morning Herald, November 1st.

When the accused appeared; all eyes were, of course, concentrated on him, but it was the inquiring glance every where of gently stimulated curiosity. And yet the short passage from the Court behind to that site at the bar where many an unhappy being hears his doom sealed, is admirably arranged for the best possible effect. The whole Court-house, particularly when it is filled in all the parts fitted out for accommodation, constitutes a mass of shadow for the relief of the prisoner at the bar. His face is illuminated by the reflection of a mirror, which glances down upon every part which is not already sufficiently conspicuous by means of the immense windows immediately behind him. Fauntleroy was conducted to the bar as if he had been unable to move. His approach was sudden, and he seemed for a moment overpowered with the gush of light from the mirror. He put his hands on the bar, and evidently underwent a struggle. His eyes were closed, and his whole appearance was that of one who found it difficult to prevent himself from relapsing into a lethargy. This was the more visible when the Clerk of the Arraignment addressed him by his name before he proceeded to read the indictment, for at that moment the prisoner gave a start as if awaking to consciousness. The portraits and prints of all sorts which have been exhibited of this person are not to be believed. Some of the Sunday Papers have furnished likenesses of him, and it would be impossible for any skill to supply more happy *evasions* of that which they purport to be, than have come from these weekly artists. The lithographic print which is seen in some of the picture shops, and which presents Mr. Fauntleroy in a full length, leaning on the bar of the police-office, falls under this observation. It has not even the proportions or the dress of the original. He is a thick, well-built man, short neck, round fleshy face, pale, but not unhealthy.—He is forty years old, but has an anxiety in his look that adds some years more to his appearance. His hair is thick, but nearly white with age: it represents the appearance that a well-powdered head would present. He was dressed in deep black, with white cravat, and short frill. There was great attention evidently bestowed on his dress. His appearance and demeanour throughout were genteel, and in accordance with good taste. He was accommodated with a chair, and from the moment when he sat down, and placed his handkerchief to his mouth, he scarcely altered his position until called on for his defence. In the speech of the Attorney-General it will be perceived he alludes to a document found in a private box of the prisoner. Though the learned speaker unfolded the history of this paper in a manner that bespoke his purpose to take the prisoner by surprise, yet nothing of that effect was produced. It was remarkable that the Attorney-General broke the mention of it with an

abruptness and emphasis, at the same time that he kept his eyes steadfastly on the prisoner at the bar. However, that very person was, perhaps, the only one of the whole audience in whom the announcement that such a document was found did not excite symptoms of astonishment. He heard the whole almost without altering his attitude. We may, perhaps, except one instance, when he was about to read his defence. The little circumstance of taking out a pair of spectacles had its impression on the audience. It particularly reminded us of the advanced age and infirmity (though of trivial extent) of him who was all but convicted of an offence for which his life was to be forfeited. The defence consisted of a great number of pages—half of them were condemned by the prisoner's counsel, and half of what even they allowed was discarded by himself. It was remarked that in several passages he stopped, and silently perused what followed, and passed over a part. He read it in a manner to show that he had not written it himself, for, with the exception of one or two sentences, which imported something that could not fail to touch his nature, he combined no evidences of feeling with the reading of the address; it made no impression, and was calculated to make none. He sat down after he had concluded, in a state of apparent exhaustion, not so much, perhaps, arising from the bodily exertion, as the internal struggle which it cost him to complete the avowals contained in this address. Nothing could be more admirable than the manner in which the prosecution was got up. It required consummate skill and foresight to construct, out of so many and such perplexing materials, so unsullied a case that ingenuity itself could not detect a blot in it. Notwithstanding the clear and unanswerable guilt of the prisoner, yet the Jury spontaneously left the box to consult on the verdict. This was just. It had the effect of giving greater solemnity to their decision. The same ceremony, we are told, had a prodigious effect at the trial of the Seven Bishops, where the Jury remained in consultation all night, although they had, as it was well known, agreed on their verdict before the trial was over.

From the Morning Advertiser, November 1st.

The very extraordinary document, alluded to by the Attorney-General, in his speech, giving an account of the delinquent's forgeries, in his own hand-writing, shows his astonishing coolness while committing acts of so criminal a nature. His defence partook of the same apathy, and did him no credit, as he states in a postscript to the document found, that his motive for forging on the Bank was, because it had refused to discount the acceptances of the Berners-street-firm, for which he was determined "that the Bank should smart." If any individual had forged on the Berners-street-bank, because the house had refused to discount his bills or acceptances would Mr. Fauntleroy and his partners accept it as an excuse, and decline prosecuting the offender?—certainly not. How then can he suppose that his having acted through an unjustifiable spirit of revenge, is any palliation for his offences, which have involved so many persons in difficulties and embarrassments? It appears, according to his defence, that his partners had no participation whatever in his crimes, nor were they privy to any of his numerous frauds. This, however, shows that he must have been a most artful man, in occasionally supplying the firm with cash to a large amount, without his partners knowing from whence he drew his resources, as he kept them in the dark throughout the whole of his criminal career. He considers himself harshly used by the rumours circulated of his being improvident and extravagant. We abstained from countenancing or giving currency to any of these reports pending his trial, but surely the imputing to him even boundless extravagance as the cause of his criminal acts, was most charitable compared to the character he has given of himself, and his excuse that he was urged by a spirit of revenge to defraud the Bank, which evi-

dently had just ground for not discounting the acceptances of the Berners street-firm, and which was not actuated on the occasion by any personal motives whatever. Some of the papers seem to sympathize with the "unfortunate gentleman," but manifest no pity for the numerous individuals and their families who are sufferers from his criminal acts and unjustifiable conduct.

From the New Times, November 1.

It would seem that the paper found in the box and produced on the trial by the Attorney-General, could only have been written and preserved by Mr. Fauntleroy out of a sense of justice to his partners, who, in the event of his sudden death, might otherwise have found it difficult to establish their innocence; and so far he is entitled to commendation. But when we dispassionately consider his real motive for the frauds, we stand in astonishment and dread at the lamentable obliquities of the human mind. No less than sixteen gentlemen of the highest repute spoke to having known him from ten to twenty-seven years; they described him as obliging, benevolent, kind-hearted, and humane, as having ever maintained an unspotted character, and being considered strictly honest, upright, and honourable. Of the truth of this evidence there cannot be the shadow of a doubt: such was Mr. Fauntleroy's character, such was *the opinion of the world* concerning him for a long course of years, during all which time he was a prey to the consciousness of dishonesty, and was in the frequent practice of forgery to an appalling extent!

It was the making an idol of the *world's opinion* which ruined this unhappy man. As a London banker, he held a high rank in society. With the credit of the house in which he was a partner, he seems to have associated every idea that he entertained of worldly estimation; and beyond this he had no sustaining principle of action. But the edifice of his hopes began to give way. His rank in society was put to jeopardy. The banking-house became involved. Its credit was shaken; and the Bank of England, instead of coming to its support, refused to discount its acceptances, and thus augmented its embarrassments. Far be it from us to underrate the painful struggles which this unhappy man's mind must have undergone, before he could seek a refuge from bankruptcy in forgery and fraud! Still less would we weaken the pity that must be felt for his years of subsequent misery. But it is a most instructive lesson to observe, that where the *opinion of the world* is the *sole* motive of human conduct, not only is that motive inadequate to the support of virtue, but it becomes the means of aggravating punishment by cruelty and injustice. In the present case, the poor, hopeless, afflicted criminal could not steal away from a long and painful public exposure, by pleading Guilty, because the *opinion of the world*, prejudiced and envenomed by an "enemy," had loaded him with the odium of crimes which he never perpetrated, and had imputed to him feelings and motives which he abhorred. He was, therefore, compelled to plead *Not Guilty*—he was compelled to face a shame and a disgrace which were worse than death to him—he was compelled to undergo that torture for hours, by the necessity of replying to a string of infamous and cruel falsehoods circulated against him before his trial, in certain newspapers.

Pitiable as was the prisoner's dejection, and agonised as he manifestly was from the beginning to the end of his trial, his main anxieties, as attested by his defence, still lingered about the *opinion of the world*. He was content to admit frailties; he did not dispute fraud: but the odium of selfishness and sensuality he indignantly repelled; he feared the contempt of man.—Mr. Justice Park humanely and properly called his thoughts to God. That worthy judge, with a feeling that did him honour, besought the unhappy criminal to look up to the Throne of Grace.

With respect to the ultimate fate of Mr. Fauntleroy, we can only say, with Mr. Justice Park, that the extension of mercy to him on earth is *not*

impossible; but it would be cruelty to his friends to intimate the slightest belief that it is probable. If ever a man convicted of forgery, with seven similar indictments still hanging over him, was pardoned, Mr. Fauntleroy may be so; but it is well known that all the Royal prerogatives are exercised with the advice of the King's ministers, and no man in his senses can suppose that any minister would take upon himself to recommend Mr. Fauntleroy as a fit object for the mercy of the Crown.

THE BANKRUPTCY OF MARSH, STRACEY, AND GRAHAM.

Meeting of Creditors, October 30.

Every circumstance connected with Henry Fauntleroy occupies almost exclusively public attention, and it is rather a singular coincidence that the same day which the *London Gazette* fixed for the final examination of three of the partners of the late banking-house in Berners-street, should be the very same day as was fixed upon for the remaining partner of that firm to appear before another tribunal, upon a charge of a very different and of a much more serious nature.* Such, however, is the fact; and the Court of Commissioners was crowded at ten o'clock by those persons who were excited either by interest or curiosity, to hear the examination of Messrs. Marsh, Stracey, and Graham. Whatever might be the motive of any, all were woefully disappointed; for, immediately after the Commissioners (Messrs. Beaucherk, Spranger, and Dyneley) took their seats, Mr. Montague, Counsel to the Assignees, addressed the Court, and said—"I hold in my hand an order, signed by the Lord Chancellor, for adjourning this examination, in the case of the bankruptcy of Messrs. Marsh, Stracey, and Graham, for forty-nine days from this day, so that more ample opportunity will be given for the investigating the affairs of the house." Though this enlargement may be treated as mere matter of course, and though no specific grounds were mentioned in the order, yet it is quite clear that there could be no thorough or satisfactory investigation of the bankrupts' affairs until the fate of one of the partners (and he too the acting partner) be definitively settled. He, of course, could give much important information; but at present, considering the delicacy of his own situation, it would be not only indecorous, but contrary to rule, to press him on a subject which might possibly affect himself. Besides, the presence of the other partners was looked for when this day was named for the examination, and their compulsory attendance in another Court of course precluded the possibility of their appearance here.

The meeting was attended by lords and ladies, their servants and dependents, butchers and bakers, and even unsophisticated countrymen, who exhibited countenances "pale and wo-begone;" but enough of this plain and important fact remains to be told.

Among the number of persons who proved their debts were the following: viz. Robert Saxton, Esq. of Croydon, banking account, 220l.; John Parker Gully, Esq. 1,954l.; Mr. John Ruff, 304l. 4s. 6d.; Miss Anna and Miss Maria Walstead, daughters of Charles Walstead, Esq. proved two bank post bills, drawn by Mr. Fauntleroy in August last, one for 317l. and the other for 318l.; Mr. Charles Ash, 481l. 1s.; J. H. Davey, Esq. 366l. 18s. 6d.; Mr. Thornton, 380l. 3s.; Mr. Arnold, 47l. 13s. 10d.; Samuel Mersey, Esq. 383l.; Mr. Thomas Parker, 340l. 19s. 6d.; Mr. Thomas Pearson, corn-chandler, 117l. 12s. 0d.; William Bakes, Esq. Welbeck-street, 16l. 10s.

* This coincidence is rendered more singular, inasmuch as on the same day that Mr. Fauntleroy was convicted of a capital charge his name appeared in the *London Gazette* as a BANKRUPT.

The legal advisers of the assignees, it now appears, are afraid of the legality of the present commission against Messrs. Marsh, Stracey, and Graham; and it was therefore considered necessary to take out two other commissions, in one of which the names of Messrs. Marsh, Graham, Stracey, and Fauntleroy, are contained, and in the other the name of Henry Fauntleroy only is mentioned, as will appear by the following extract from the *London Gazette* of Saturday, October 30.

BANKRUPTS.

Henry Fauntleroy, late of Berners-street, banker, (co-partner with William Marsh, Josias Henry Stracey, and George Edward Graham, bankers,) Nov. 30, Dec. 7, and 11, at the Bankrupts' Court. Atty. Mr. A. Gordon, Old Broad-street.

William Marsh, Josias Henry Stracey, Henry Fauntleroy, and George Edward Graham, now or late of Berners-street, bankers, Nov. 30, Dec. 7, and 11, at the Bankrupts' Court. Atty. Mr. William Seymour, Little Portland-street, Cavendish-square.

It is supposed that more legal questions will arise out of the bankruptcy in Berners-street, than have ever been known; and thus, while the lawyers are reaping a plentiful harvest, too many of the creditors, we fear, will linger in distress and uncertainty.

On Tuesday, October 26, a Court of Aldermen was held, when the Lord Mayor called the attention of the Court to a matter which he conceived affected the privileges of the city. He had imagined that the proceedings of the magistrates of Middlesex in the case of Mr. Fauntleroy had been in consequence of some offence committed in Middlesex; but to his surprise, he found by the commitment, a copy of which he held in his hand, and which he should request the Town Clerk to read, that the commitment was for an offence in the city of London, and his case stood in the calendar to be tried by a London Jury. How far they had a right he would not say, but certainly it was contrary to courtesy. He had no recollection of any case since he had been in the magistracy where such an occurrence had taken place; and he believed the city magistrates invariably sent all persons charged with offences in Middlesex to the magistrates there; and in a recent case, a robbery of great extent—he meant Earl Cowper's—although the whole was detected in the city, and through the vigilance of their own officers, he had sent the prisoners to the magistrates of Hertford for investigation. The Court would naturally feel, that, occupied as he constantly was, it would be highly desirable for him to be relieved from trouble; but he conceived that the magistrates of the city ought not to shrink from any trouble where the privileges of the city were concerned. He therefore felt it his duty to state the circumstance, and to leave it to the Court to act as they thought proper.

The commitment was then read as follows:—

“Police-office, Great Marlborough-street.

“*To the Keeper of his Majesty's Jail of Newgate, or his Deputy.*

“Middlesex to wit,—Receive into your custody the body of Henry Fauntleroy, herewith sent you, brought before me, John Edward Conant, Esq. one of his Majesty's Justices of the Peace in and for the said county, by Samuel Plank, and charged before me the said Justice, upon the oath of James Kirby and others, with feloniously uttering and publishing as true, *in the city of London*, a certain false, forged, and counterfeited letter of attorney, for the sale of the sum of five hundred pounds interest or share in the Long Annuities, in the capital or joint stock of the Governor and Company of the Bank of England, well knowing the same to be false, forged, and coun-

terfeited, with intent to defraud the said Governor and Company of the Bank of England; against the peace and statute, &c. Him therefore safely keep in your said custody, until he shall be discharged by due course of law; and for so doing this shall be your sufficient warrant.

“ Given under my hand and seal, this 21st day of October, 1824.

(Signed) “ J. E. CONANT.”

Sir James Shaw said that he did not know how far the Middlesex magistrates had the right, but it appeared to him that it was highly improper, and that in courtesy it ought to have been sent to the city magistrates. As the individual was about being tried, he thought it would be better not to come to any immediate conclusion, but he should move that it be referred to a committee of privileges.

Mr. Alderman Wood thought it highly improper: it had formerly been attempted, and remonstrated against. At least, as a matter of courtesy, they ought to have sent the case to the city; the city magistrates always did so with respect to them, and if in little petty cases they did so, he really thought it worthy the consideration of the Court.

Sir J. Perring concurred; and after some further consideration, it was agreed to confer with the magistrate on the rota, and Recorder and Common Serjeant, at the ensuing sessions.

MOTION FOR ARREST OF JUDGMENT,

WITH

THE SENTENCE, &c.

On Tuesday, November 2nd, at an early hour the Recorder signified to the proper Officers his intention of passing sentence on the convicted prisoners in the New Court, Old Bailey, instead of, as heretofore, in the Old Building. In the course of the morning, the Recorder was informed that it was the intention of Counsel to move, on the part of Mr. Fauntleroy, an arrest of judgment. As soon as this was made known to him, the Recorder instantly dispatched a messenger to Mr. Justice Park, informing him of this circumstance, and requesting his attendance to hear and decide upon such arguments as might be brought forward. Mr. Justice Park, however, had left town, but a messenger having made the case known to Mr. Justice Garrow, that Learned Judge consented to attend, vice Mr. Justice Park.

At a quarter before one, the Recorder appeared upon the Bench, and directed the prisoners for minor offences to be placed at the bar, to receive their several sentences. This was accordingly done.

At a quarter before two Mr. Justice Garrow took his seat on the Bench, and directed that the prisoner Henry Fauntleroy should be placed at the bar. Round the table allotted for Counsel were Mr. Serjeant Bosanquet, and Mr. Law, for the prosecution; and Messrs. Alley, Broderick, and C. Phillips, for the prisoner. Mr. Freshfield, the Solicitor for the Bank, sat next Mr. Bosanquet, and Mr. Harmer, the Prisoner's Attorney, took his station near Mr. Fauntleroy, on one side of the dock. The prisoner was dressed precisely the same as on the day of his trial, but in his demeanour appeared rather more firm and collected.

Mr. Clarke, the Deputy Clerk of the Arraignment, then said, turning to the prisoner: You, Henry Fauntleroy, stand convicted of uttering as true a deed well knowing it to be forged. What have you to say why you should not be sentenced to die, according to the law?

Mr. Alley felt, in addressing his Lordship, that he had the misfortune of having drawn him from his private avocations into the Court.

Mr. Justice Garrow begged the Learned Counsel not to waste the twentieth part of a moment on any consideration of that sort. His time belonged to the public, and he should always be found ready to devote it to them whenever called upon so to do.

Mr. Alley observed, that, previous to entering upon his argument, he wished to make his Lordship fully aware of the circumstance, that the prisoner had not been found guilty generally on the counts of the indictment, but simply on that which laid to his charge the uttering a forged power of attorney, knowing it to be forged. If the verdict had been a general one, he should not have troubled the Court with the present argument, for there was an express law making the act of forgery a capital crime. Until the reign of George the Second, no forgery had been capital; owing most probably to the small circulation of paper up to that time, and it was then made capital to forge or counterfeit any power of attorney, to convey fraudulently any share or portion of stock. This then did not extend to the act of uttering, and yet this was a law made for the protection of the Bank of England. He considered this point so clear, that no warping or torturing of language could turn it from the interpretation he put upon it. Subsequently to this, by the 2d George II. it was made capital to forge, or utter any bill, bond, note, will, testament, security, or deed; but here then was no mention made of a power of attorney, unless, indeed, it was to be argued, that this instrument was included in the word deed. If, however, this pretence was set up, he thought that he had it in his power to remove any such objection; this act originally extended to offences against individuals. It was afterwards enlarged so as to include all companies and corporations. This was how the law then stood, and he thought that it was never intended by those laws to include an offence of this kind, for if it was, the great men that framed these laws would surely have been careful not to omit so important a part of their intentions; it was on this

he should rest his argument, and he trusted he should do so with success, so that this unfortunate gentleman should not be called upon to suffer the sentence of death. By the 57th George III. it was enacted that it should be capital to forge a power of attorney to receive the wages of seamen, or to make use of such power with intent to defraud. This was an additional proof that the word deed in 2d of George II. did not apply to letters of attorney; for, if it had, this new act would have been superfluous; and it was a curious fact, that it was not till after these two Acts of Parliament that any such thing was known as the Three per Cents. in which this forgery had been committed, so that these Acts could not have been meant to apply to them.

Mr. Justice Garrow observed that a reference to dates would easily settle this matter.

Mr. Alley continued—If he was right on that point, it was quite clear that the Legislature had provided no protection for this property. But to return to the word deed, which occurred in the 2d George II. he held, that for an instrument to come within the meaning of that word, it was necessary that it should be *per se* a security for money, such as a bill or a bond; but a power of attorney was, in fact, no such security; its only value was in reference to something else, and was in itself intrinsically good for nothing.

Mr. Justice Garrow observed, that, as the prisoner, on account of indisposition, had been indulged at his trial with a seat, and as this argument was likely to run to some length, he thought he had better be accommodated with a chair.

Mr. Alley was much obliged to his Lordship for his kind attention, and regarded it as a manifestation that every justice would be extended towards him. The only securities protected by this law were money securities, which, as paper had become in so eminent a degree the circulating medium, it was thought necessary specially to protect; but this was all that was contemplated, as might be gathered from the provision made for letters of attorney in the peculiar case of seamen's wages in the 57th George III.; an act which was drawn up by the Law Officers of the Crown, who would hardly have wasted both the time and money of the country, if they had thought that that species of instrument was already provided for. He did not know, and possibly his Lordship did not, although he had for many years conducted the prosecutions for the Bank, of any case similar to the present; sometimes they were for personating, sometimes for forging a dividend warrant, sometimes for one thing, and sometimes for another; but he never met with any case to justify a prosecution of this sort, with the exception of one reported by Bingham, and the question in that case was not at all similar to the present, being one which involved the competency of the principal witness.

Mr. Broderick would first call the attention of the Court to the different counts in the indictment, and then point out to which count it was that the verdict was applicable.

Mr. Justice Garrow said, that it appeared to him to rest on the second count.

Mr. Broderick said, that it did so, but it was not so specified in the verdict. The whole indictment included eleven counts, but it was only to the second and third that the verdict referred, inasmuch as it was only of uttering and disposing of a forged power of attorney that he had been found guilty.

Mr. Justice Garrow said, that if he understood the case rightly, the fact simply was, that there was no evidence of the manual operation, but that of every thing else the Jury found him guilty.

Mr. Broderick said his Lordship was perfectly correct; the terms only mentioned the uttering, but doubtless that included the disposing. Our motive, therefore, is not that no judgment can be pronounced, but that judgment of death cannot be passed; the only statute under which the prisoner is liable, is one which inflicts only the punishment of transportation, and to this point he wished to give all his weight of argument. The 2d of Geo. II. enacted, that if any person forged or caused to be forged any deed, or uttered or published as true any such forged deed, it should be a capital offence; by the 31st of Geo. II. this was extended to corporations, in consequence of the case of Harrison. The only question, therefore, was, whether this power of attorney was a deed within the meaning of the act, and if he could shew that the legislature itself did not consider it so, he trusted it would be a strong ground for convincing his Lordship. By the 8th of Geo. I. the capital punishment is confined to the forging alone, and not to the uttering. This, therefore, certainly was not within the range of the indictment; the 2d of George II. extended the capital punishment to uttering, but neither of these acts use the term "letter of attorney;" the 57th of Geo. III.

makes the forging a letter of attorney for seamen's wages capital; but what would have been the use of an express act to make this capital, if all powers of attorney were included in the 2d George II. in the word *deed*? He now came to the only act under which the prisoner could be sentenced, viz. that of 37th of Geo. III. c. 122, and this awarded transportation for seven years, if the names of the attesting witnesses were forged to a power of attorney. Here, then, they got the words power of attorney in an Act of the Legislature, and he considered this as a tacit declaration that a power of attorney was not included in the former word *deed*.

Mr. Justice Garrow observed, that the Act of 37th of Geo. III. only provided for the minor offence, supposing the deed to be true, and only the names of the attesting witnesses to be forged.

Mr. Broderick.—But the evidence before the jury, my Lord, was to prove that the signatures of the attesting witnesses were forged.

Mr. Justice Garrow.—Yes, but this evidence was only to assist the case, and not substantive to the indictment. If, indeed, there had been no evidence with respect to the hand-writing of Miss Frances Young, then this act would have applied to the signatures Tyson and Watson.

Mr. Broderick concluded his argument by again alluding to the use of the word *deed* in the 2d of Geo. II. and insisting, with deference to the opinion of the Learned Judge, that *per se*, a letter of attorney is useless, and therefore could not enter within the meaning of that Act, the only Act upon which they could go capitally, as the words therein solely applied to a security for money.

Mr. C. Phillips, after what had fallen from his Lordship with respect to the Act of 37 Geo. III. would not say any thing further on that ground.

Mr. Justice Garrow said, that when he interrupted a counsel in an argument, he never meant that what he then said should be taken as his final decision, and he therefore requested Mr. Phillips rather to turn his argument to that point.

Mr. C. Phillips had felt the remarks of his Lordship to be too powerful to leave him any thing to say on that subject. What he then would contend for was, that the Court had no power to pass any sentence. The Act of 2 Geo. II. after enumerating the different instruments included within its scope, ends with the words "and other securities for money;" and it had already been contended correctly, that a power of attorney was, *per se*, no security for money, and therefore there was no Act provided by the Legislature to meet this case. The two points he wished to impress upon his Lordship were—first, that the word *deed* meant a security for money, which a letter of attorney was not; and secondly, that in this case the forging a power of attorney was not in any way met.

Mr. Serjeant Bosanquet, in replying to the arguments of the Learned Counsel for the prisoner, said, he had but few observations to make, and he should confine them almost to the two points taken by his Learned Friends against the legality of the conviction. It had been stated, that this prosecution was different to most others, in the manner in which the indictment had been framed. He could only say in reply, that since he had had the honour to assist the Bank in its prosecutions, the indictments had been framed in the same way as the one upon which the unfortunate prisoner had been convicted. In the very last instance of a conviction for forging a power of attorney, alluded to in the case of Mr. Waite of Bristol, the indictment was drawn up under the same act of parliament, and framed in the same way, except with this difference, that in that case there was no charge of forgery at all in the indictment: the different counts confined the charge solely to the uttering the instrument. The reason this was done was because the power of attorney had been forged in Bristol, and therefore there was no ground for charging him with the forgery in London. The case of the unfortunate Mr. Waite was precisely similar to the charge against the prisoner. His Lordship knew what pains were taken on that occasion to discover an error in the proceedings, how that every objection which legal ingenuity could devise was taken on behalf of the prisoner, and that afterwards, when the case came before the Judges for argument in the Exchequer Chamber, the Judges all decided, after a most able argument, that the conviction was good, and Mr. Waite underwent the sentence of the law.

Baron Garrow.—I remember the argument and the decision perfectly well, and the Judges, with the Chief Justice, all expressed their satisfaction at the very able talent that was displayed during the discussion upon that important question.

Mr. Serjeant Bosanquet proceeded. It had been stated by his Learned Friend, that the forged instrument which the prisoner had been convicted of uttering as

true, was not such an instrument as the Legislature contemplated in the Statute. The 2d of Geo. II. made it a capital felony, without benefit of clergy, to utter deeds, wills, &c. which was not a capital offence previously; for, by the 8th of Geo. I. the offence of forging only, and not the uttering of the instrument, was capital; and if a person had uttered a forged power of attorney in the 3rd year of Geo. II. could any rational being doubt but the party had committed a capital felony, and would have been convicted upon an indictment? When the 2d of Geo. II. was enacted by the Legislature, it was done as a protection to corporate bodies; and not only was the forger of such instruments, but the utterer also, brought within the operation of the penal enactment. It was contended that the power of attorney was not by deed. His Learned Friends were in error throughout the question. It was an instrument under hand and seal, and was to all intents and purposes a deed. It was true that a power of attorney might not be by deed; but in that case it would not be applicable to the question before the Court. Mr. Campbell, in his able argument before the Judges, said, there were some powers of attorney not by deed, and some by deed; and those by deed must be revoked by deed. The Act of Parliament which had been cited by his Learned Friends was passed to protect not only those instruments which were convertible into money, but also all deeds of covenant, and all instruments where powers were contained. The act not only used the word deed, as coming within its operation, but the next words were wills, testaments, &c. which instruments were not convertible into money. It was only necessary in the indictment to aver, that the instrument was a deed, to set it out to prove the averment, and to shew that it was signed, sealed, and delivered. In the 45th of Geo. III. there was a clause which made it a capital offence to dispose of or put away a deed. It had been said that the instrument upon which the prisoner had been convicted applied to funds created since the passing of the Statute 2d Geo. II. and therefore could not come within the scope and operation of that Act. This assertion was a fallacy, for the Act for consolidating the Three per Cents. did not create a new stock or property, but merely consolidated other stock, some of which was created as early as William III. and the case of Waite was founded on that Statute. He thought it was only a waste of time to occupy the attention of the Court further upon this question, which had already been decided by the Judges in another case.

Mr. Law followed on the same side, and contended that the instrument was a deed within the meaning of the 2nd of Geo. II. and 43d of Geo. III. and it was merely necessary to read these Statutes, without making any single observation, to give a complete answer to the futile objections taken by his Learned Friends on moving in arrest of judgment. These Acts created the offence, and also created the punishment of death.

Mr. Alley replied.—In his opening address he read the whole clause of the Act of Parliament, and pointed out the words “wills” and “testaments,” as coming within its operation, as well as deeds; and the fact of “wills” and “testaments” being included in the Act of Parliament, not only assisted, but confirmed his argument, that the only documents that came within the meaning of the Act were such as gave property to some other person or persons. The object of the Legislature, in passing the 43rd of Geo. III. was to affect those who put off notes by selling, who were not affected by the former Act; for it was contended, previous to the passing that Act, that persons selling forged notes to others, who retailed them or disposed of them singly, were guilty of uttering; but he (Mr. Alley) contended against such a misconstruction of the Act; for the party selling notes had not the intent imputed to them in the Statute. It had been stated by Mr. Serjeant Bosanquet, that he (Mr. Alley) had said this proceeding was different from all others that had preceded it: he had said no such thing, or if he had, he did not mean it; but as the Learned Serjeant had alluded to the case of Waite, he would take the liberty to inform him, that the question, argued before the Judges, in the case of that unfortunate man, was not whether the instrument was properly described as a deed, but it was whether the party upon whom the forgery was committed was a competent witness upon the trial; and it was proved that a lease and release had been executed between the party and the Bank, and the Judges decided, and very properly, that the witness was competent, and the conviction a good one. The question now is—Is this the species of deed contemplated by the Act? His Learned Friend had asserted that there were deeds without seal, and also with seal: he admired his ingenuity, but not his accuracy; for it was not likely the Bank should obtain an Act of Parliament relating to powers of attorney

without seals, when it was notorious that they never received a power of attorney unless it was under seal. It was as clear as the light of day that all powers of attorney were not within the protection of the Statute; for instance, suppose a person were to give a power of attorney, authorising an individual to sue different persons, would the forgery or uttering of such an instrument be a capital offence or an offence at all under this Statute? Or suppose a warrant of attorney should be given to obtain some of the newly-created Poyais or Peruvian Stock, and that instrument were to be forged, would that offence be capital? And yet it was contended, that because this instrument was a power of attorney, it must be a deed within the meaning and operation of the statute quoted. He trusted that his Lordship would be of a different opinion, and decide upon the validity of the objections he had taken, and grant the motion he prayed.

Mr. Justice Garrow said that the awful period of time had now arrived in which it was to be decided whether the sentence of the law should be passed on the unfortunate man at the bar. The case had already met, in the progress of his trial, with all the attention and all the patience of his Learned Brother, and it was now his duty to say, that of the propriety and legality of the sentence then passed he did not entertain the slightest doubt. The law of England did not permit the Judge to bring his own feelings into the balance; but, in the mode laid down for conducting himself, there was nothing that would have prevented him, had he felt that death could not be pronounced, from hastening to declare that opinion, that he might relieve the deep despondency so apparent in the prisoner: he owed it to his awful situation to state, that he had no doubts on the subject: he owed it to him, that he might not turn his mind from those hopes beyond the grave, to which the Learned Judge at his trial had directed him. He was glad that it did not depend on any one Judge to settle the point now in agitation, for if there was any thing wrong in his decision, his Majesty's Council would be open to the latest minute—to the very moment of signing the warrant for execution, at which time the case could be submitted to the consideration of all the Judges of the land. He was now bound to say, that, for his own part, he did not entertain a doubt upon the subject: the record bore upon the face of it the offence clearly made out—that of uttering, knowing it to be forged, the signature of Frances Young. This was, undoubtedly, a violation of the statute enacted for the punishment of and uttering of a forged deed, knowing it to be forged. The deed upon which the prisoner acted was sealed and attested; and therefore, in every respect, had it been genuine, operative for all purposes. But it had been argued, that the word deed was not universal, but only limited and circumscribed; if, indeed, there were no law to meet his case, he would go unpunished, but it was his duty to read the law as it was, and when he read the Act, the compass by which he was to be steered in the prosecution of his duty, and there found that it applied to any deed convertible into money, he dared not, even in favor of life, write any other words than were there put down; it would be as bad as to write in words of blood some passage to aggravate the case against the prisoner. A deed convertible into money!—He was at a loss to discover any deed that was not convertible into money—a bill of sale was so convertible; money might be raised on a building lease, and so of all other deeds; and this deed, for which the Bank was prosecuting, was just as convertible into money as any other deed. A case, indeed, might be supposed where the deed was not so convertible, for if A. was about to marry, and in consequence of receiving a large portion, entered into agreements, by which this portion on the death of both was to descend to the children, this would not be convertible into money, however valuable it might be to the parties themselves. Even this would be protected by the law; and is a power of attorney to be less protected than this? The present was certainly a case in which a Judge was competent to decide, and he could not advise the Recorder to delay the judgment for one hour. The case of the *King v. Waite*, as had been truly stated, turned only on the competency of a witness, and therefore had nothing to do with this case. In having given this opinion so fully and freely, he had the consolation of knowing, that though he had given it mature deliberation, should he be mistaken, the case would be open till the latest moment to the inquiry of the united wisdom of all the Judges. His Lordship then quitted the Court.

The Recorder felt happy that his opinion entirely coincided with that of the Learned Judge, for he certainly felt that there was not the slightest validity in the argument that had been set up. He, however, with his Lordship, was glad, that when he should make his Report to his Majesty in Council, it would be in

the presence of all the Law Officers of the Crown, who would declare their opinion on the case, so that the prisoner would then have the benefit of that opinion, though he did not have it then.

The Clerk of the Arraignment then began the names of the other prisoners cast for death, when Mr. Fauntleroy interrupted him, by reading a speech from a written paper, of which the following is a copy. He read it in a mild and moderate tone, but with considerable depth of feeling; and when he touched upon the condition of his mother was visibly moved:—

MR. FAUNTLEROY'S ADDRESS TO THE COURT.

"My Lord—I am well aware that no emergencies, however pressing; that no embarrassments, however great, can be listened to, as an excuse for the offence of which I have been found guilty; but I trust it may be considered as some palliation in a moral point of view, that a desire to preserve myself and others from Bankruptcy, and not personal aggrandisement, or selfish gratification alone, urged and impelled me to the acts I have committed, and when I first deviated from rectitude, it was owing to an acute, although, I admit mistaken feeling, to obtain temporary relief, and not from any deliberate intention to defraud. God knows my heart, and the truth of my present declaration, that I hoped and fully intended to make restitutions immediately the expected prosperity of the house would have enabled me. This must, I think, my Lord, appear evident, from my having frequently replaced the money withdrawn, and the Bank-books will prove that many of the sums mentioned in the document, written in 1816, have been since re-invested by me to the credit of the parties. That document, my Lord, has been supposed to have been prepared in contemplation of flight; this idea is, however, erroneous, and it is sufficiently refuted by my continuance at my residence and business for years subsequently. The only object and intention of that paper was in the event of sudden death, before the whole of the money should be re-invested, to absolve every one besides myself even from suspicion. Unfortunately for me, a succession of adverse events; which I could neither avert or control (and part of which I detailed at length on my trial), led on from one false step to another, until the affair of the house became so involved that extrication was impossible. In these difficulties I offered myself as the only sacrifice, and it is my duty as a man and a Christian to resign myself to my fate. For me, my Lord, fallen and degraded as I am, life has no allurements, and a momentary pang will at once put an end to my mental agonies and my earthly existence. But, my Lord, I have numerous relations, amongst them, my dear and venerable mother, whose feelings I reverence, and for their sakes; more than my own, I venture to supplicate that I may not be doomed to suffer a violent and ignominious death. If crime, my Lord, can be atoned for by suffering, my offences, heavy as they are, have long been expiated, not merely by the overwhelming embarrassments of the concern in which I was engaged, but by years of anxious terror and agonizing apprehension; and if, my Lord, the anguish of mind I have endured for the last sixteen years of my life, and the peculiar circumstances in which I have been placed ever since I arrived at man's estate, could be made known to my Most Gracious Sovereign, I venture to hope, that His Majesty's benevolent and feeling heart would be touched with compassion for my situation, and that I should not be considered an object wholly undeserving the Royal clemency. May I, therefore, my Lord, presume to solicit your Lordship's humane interposition to communicate, for his Majesty's merciful consideration, the circumstances to which I have alluded, and on behalf of my dearest relations, I supplicate that the punishment of death may be remitted."

The Clerk of the Arraignment then called the thirteen prisoners who had been capitally convicted this Session by name to the front of the Dock, and asked each of them separately what they had to say why sentence of death should not be passed upon them according to law? They none of them offered any thing in mitigation, with the exception of Harris, who presented a paper, which was handed to the Recorder, but on which no comment was made.

THE SENTENCE.

The Recorder then passed sentence in nearly the following words:—You, Henry Fauntleroy, (and naming the other 13 Prisoners) have been severally convicted by a Jury of your countrymen, and from the long personal experience I have had, I can

safely aver, that I never met with a body of men more inclined consistently with their oaths to render a favourable verdict. Bound by that oath, they have felt it to be their duty to consign you to that fate which the law pronounces as the punishment of your crimes. I hope there are none among you who doubt the justice of that verdict. None of you are at an age approaching the natural term of your lives—all of you are in the full vigour of your body and understanding—yet to this you are reduced by a violation of the laws of God and man; had those laws been preserved, instead of standing in this situation, so distressing to every one that beholds you, you might have lived certainly in a state of respectability, possibly in a state of affluence, a comfort to yourselves and your friends, instead of an example to those who shall hear of your fate. Some of you may probably entertain the idea that mercy will be extended to you. On this point I can say nothing. It would be presumption in me to aver that any one of those before me will receive it. Some of the crimes for which you are at that bar are of the most awful nature and extent—forgery, which may involve the richest and most unsuspecting—the midnight burglar, who appropriates to himself in the most unjustifiable manner the property of others—the unfeeling robber, who not only takes away the property, but leaves his victim with scarcely any remains of life. These will do well to prepare for death, for these are crimes to which mercy is seldom extended. It is the duty of all of you to look forward to and prepare for your latter end, and not to lose an instant in turning your thoughts within yourselves, and in making ready for the worst. Of this, however, you may all be assured, that whatever favourable circumstances may appear in any of your cases, they will not be withheld from the consideration of the King. The high offences which you have committed are punished with death by the laws, but those laws have taken care that you shall not be unprepared for such punishment, and for that purpose have provided an excellent and pious Divine. Let me intreat you as a fellow Christian to attend to him, and prepare yourselves, under his direction, in the best way you can; by fervent devotion and real repentance for the death held out by the law. In the hope that such may be your conduct, nothing remains for me now to do but to pass the last sentence of the law upon you, which is, that you, and each of you, be severally conveyed from this bar to the gaol from which you came, and thence to the place of execution, and there be hanged by the neck till you are severally dead, and the Lord God Almighty have mercy upon your souls.

To this the crier of the Court answered “Amen.”

The Recorder.—If the prisoner that read a paper to the Court is desirous that the petition should be presented to his Majesty’s Council, I will take care that such is the case.

The prisoners were then removed from the Dock. Mr Fauntleroy spoke a word or two to Mr. Harmer, and then retired with the same sort of forced composure that appeared to support him during the whole of the proceedings. He appeared on the whole to take very little notice of what was going on during the argument in his favor; and however near any person passed to him, it did not even occasion him to lift his head.

THE END.

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Bravo! Bravo! very well sung,
Jolly companions every one.

THE NIGHTINGALE-CLUB.

Air—"Shadrack, the orangeman."—(Knight.)

THE Nightingale-Club in a village was held,
At the sign of the Cabbage and Shears,
Where the singers, no doubt, would have greatly
excell'd,

But for want of taste, voice, and ears;
Still between every toast, with his gills mighty red,
Mr. President thus with great eloquence said—

SPOKEN.] Gentlemen of the Nightingale-Club,
you all know the rules and regulations of this
society; and if any gentleman present is not aware
of them, if he will look over the fire-place he will
find them chalked up:—That every gentleman
must sing a volunteer song, whether he can or no,
or drink a pint of salt and water; therefore, to
make a beginning of this evening's harmony, I
shall call upon Mr. Snuffle.—'Sir, I have an ex-
treme bad cold, but with your permission I'll try
to do my best.'—'Sir, that's all we wish, for, if
you do your best, the best can do no more.'—
'Permit me to blow my nose first, and I'll begin
directly.'—(Singing, snuffling.)

A master I have, and I am his man,
Gallop'g dreary dall,
And he'll get a wife as fast as he can,
With his haily gaily gall-bo-rayly,
Higelty, pigelty, gigelty, nigelty,
Gallop'g dreary dall.

Bravo! bravo! very well sung,
Jolly companions every one.

Thus the Nightingale-Club nightly kept up their
clamour,
And were nightly knocked down with the Presi-
dent's hammer.

When Snuffle had finished, a man of excise,

Whose squint was prodigiously fine,
Sung, 'Drink to me only with thine eyes,
And I will pledge with mine.'

After which Mr. Tug, who draws teeth for all parties,
Roared a sea-song, whose burthen was 'Pull away,
my hearties, ho.

Pull away, pull away, my hearties,
Pull—pull away, pull away, my hearties.'

SPOKEN.] 'Mr. Drinkall, we shall be happy to
hear your song, sir.' (Drunk.) 'Pon my soul,
Mr. President, I cannot sing.—' Waiter, bring
Mr. Drinkall a glass of salt and water.'—'No,
no, Mr. President, sooner than swallow that
dose, I'll try one.'—Bravo, silence—

A lass is good, and a glass is good,
And a pipe to smoke in cold weather,
The world it is good, and the people are good,
And we're all good fellows together.
A song is a good thing when it's very well sung,
But some people they always stick in it.

SPOKEN.] 'Pon my honour, Mr. President, I
cannot sing any more.'

Bravo! bravo! very well sung,
Jolly companions every one.

Thus the Nightingale-Club, &c.
Mr. Drybones sung next, who was turned of three
score,

And melodiously warbled away—
'She's sweet fifteen, I'm one year more,
And yet we are too young, they say.'
Then a little Jew grocer, who wore a bob wig,
Struck up 'Johnny Pringle had von very leetel pig,
Not very leetel, nor very pig,
But ven alive, him live in clover,
But now him dead, and dat's all over.'

THE EDITOR'S PEEP INTO THE
UNIVERSAL SONGSTER!

Air—"Derry down."

SINCE to me you are looking, and wait for a song,
Here I am at my post, and I'll not keep you long,
For some thousands I've got, so I now will begin,
I've Love, Hunting, and Comic, to make you all
grin. Derry down, &c.

For Love songs, "Love's Blind" and "I've kiss-
ed and I've prattled,"

Through the "Thorn," "Black-eyed Susan," and
"Marriage" I've rattled;

And though you may think I cannot sing "Young
Love,"

I'll give that and some thousands my merit to
prove. Derry down, &c.

In Drinking songs, too, I am not over shy,—

Here's "Anacreon," "Old Chiron," "Take a
Bumper and Try,"

With "Come Jolly Bacchus," and "Oh, bring me
Wine,"

And "Plato's Advice," which you'll all own is
divine. Derry down, &c.

At Comic songs, too, I am sure you'll not grieve,
Here's "Peter Snout" and the "Days of Old
Adam and Eve,"

With "Bartelmy Fair" and the famed "Caleb
Quotem,"

And such numbers, egad! but I'm ready to sport
'em. Derry down, &c.

In Hunting songs, too, we are up—I will show,
Here's "Hark forward!" "Skew-ball," and a
"Hunting we'll go;"

From "Bright Chanticleer" to "Tom Moody"
you'll stray,

To see "Grey-eyed Aurora in Saffron Array."

Derry down, &c.

For Military songs how our ardour is fired,—

Here's "Marmion," "Wolf's Song," and the
fam'd "Soldier tired;"

Here's the "Life of a Soldier," with "Vict'ry," to
charm ye,

And some bold Lyric strains just to honour our
army. Derry down, &c.

But our Navy we'll think of, so prithee don't mock,
When with one "Can of Grog" I produce you
"Dick Dock,"

And the old "Bay of Biscay," "The Storm,"
and its snares,

Shall give way to "TomStarboard," "TomSplice,"
and "Who Cares?" Derry down, &c.

With songs Sentimental our sheets will abound,
And with "Conjugal Comfort" "Despair" will be
found;

"Fashion's Fools" and the "Beggar Girl," too,
among many,

Will accompany the "Match Boy" and "Father-
less Fanny." Derry down, &c.

For Irish songs we have a few I can tell ye,
Here's "Erin go bragh!" and the bold "Darby
Kelly;"

"Paddy Carey," "The Sprig of Shelalagh," like-
wise

"Irish Providence," too, is with "Judy's Black
Eyes." Derry down, &c.

Our Scotch songs will please, as through our book
you roam,

Here's "Bruce's Address" and our sweet "High-
land Home;"

With famed "Barnieboozle" and "Auld Robin
Grey,"

"Tullachgorum" and hundreds to sing time away.
Derry down, &c.

From Yorkshire we've, likewise, some songs for
your view,

With our "Bumpkin's Wife" you will find "York-
shire too;"

And with "Madam Fig's Gala," don't think me
uncivil,

But you'll find, in a page, that this "Lunnun's
the Devil."

Derry down, &c.

Our Jews' songs are kept up with humour 'tis true,
Here's the "Clothesman," "Mo Samuel," "The
Life of a Jew,"

With "Old Shadrach," and others your mind to
content,

Not forgetting the "Orangeman" and "Cent. per
Cent."

Derry down, &c.

And last, though not least, in our Masonic strains,
We trust we shall meet with reward for our pains,
And addressing the craft, who our labours may view,
We declare to be just in whatever we do.

Derry down, &c.

So now to conclude, if we only succeed,
Our reward and our pleasure will be great indeed;
And UNIVERSAL this SONGSTER will be through
the earth,

While acknowledged to be the MUSEUM of MIRTH,
Derry down, &c.

SPECIMEN OF PLAGIARISMS.

Air—"Sprig of Shellalagh."

"HOMER sang Ballads and so do I,"

"'Twas the Glance of the Moon-beam that stole
from the Sky,"

"With an honest old Friend and a merry
old Song."

"Shades of the Brave" "Where is Fancy bred,"

"Scots wa hae with Wallace bled,"

"Say little foolish flutt'ring Thing,"

"Spirits of Joy"—"Time's on the wing,"

"With an honest old friend and a merry
old Song."

"Robin Adair," "O'er Nelson's tomb,"

"Oh, weep not thus" for "My Highland Home,"

"With an honest old friend," &c.

"Oh, rest thee, Babe," "On Beds of Snow,"

"Old Towler" "Clear that doubting Brow,"

"Will you come to the Bower" "Maid of Lodi,"

"All's Well,"—

"Lovely Woman," "Ne'er Kiss and Tell,"

"With an honest old friend," &c.

"Adown in the Valley" "Love has Eyes,"

"Where the slumb'ring Earthquake lies,"

"With an honest old friend," &c.

"On this cold flinty Rock" "I believed thee
true,"

"John Bull." "My Native Shore Adieu,"

"Said a Smile to a Tear" "I will Love thee no
more,"

"I have Lost my Love" "The Troubadour,"

"With an honest old friend," &c.

"'Twas Night"—"The Storm" "On the Banks
of the Dee"

"Cried Echo,"—"Sweet Maid" "Oh, come to
me,"

"With an honest old friend," &c.

"A song about Trifles," "My Straw I Sell,"

"The Ballad Singer," "Now Fare thee Well,"

"Here are Catches, Songs, and Glees," "Heigh
ho!"

So "Life let us Cherish," "Merrily oh!"

"With an honest old friend," &c.

DICK ELMORE

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"YOUR OWN LOVING ALEXANDER."

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